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THE

MIDDLE AGES

REVISITED

OR

THE ROMAN GOVERNMENT AND RELIGION

AND THEIR RELATIONS TO

BRITAIN.

BY

ALEX. DEL MAR

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THE MIDDLE AGES REVISITED

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THE ROMAN GOVERNMENT AND RELIGION AND THEIR RELATIONS TO BRITAIN.

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PREFACE.

The Roman government and religion and their relations to Britain are themes upon which there cannot be thrown too much light. The Constitution of the old Empire, the christianization of its institutes, and the position of the medieval empire and the provinces, until the latter became independent kingdoms, is not only the Key to all modern history, it has its practical importance and conveys its lessons for the future. What if it can be shown that John was only among the last of a long line of vassal kings who bowed the knee to Rome and saddled upon the people of Britain a responsibility for institutes which they had no hand in framing and which were utterly opposed to their racial aptitudes and tendencies?

In weighing the evidences which throw light upon these questions the author was compelled to trace the ancient systems of mythology and religion. He would gladly have avoided a subject of so much contention, but this was found impracticable. Society is to some extent the product of accepted history, while such history is to some extent the product of religious belief. To appreciate the spirit of the laws under which we live and must act, it is necessary to follow the evolution of religious systems. We have entered the arcana of the Sacred College not to profane its mysteries, but to fill our pitchers at its holy fount.

When civil strife had so much exhausted the Romans that they were unable to prevent the overthrow of their republican institutes or resist the erection of the Hierarchy, they accepted from their tyrants a form of religion so impious and degrading as to speedily disgust the better classes of citizens and turn them against a government in whose establishment they had formerly taken an active and patriotic part. This feeling found popular echo in distant provinces, like Judea and Britain, and it led to those frequent insurrections which distinguished the first century of our æra. The religion which led to these insurrections was the worship of Cæsar as the Creator. This is the

pivot upon which turned the history of the Roman world for many centuries; yet only the faintest allusions to it will be found in our standard works of reference. In the present treatise the subject will be brought into relief. It will then be perceived that the true grandeur of christianity and the moral lessons of its conquest over paganism, have been hid from sight by a false history of the Roman religion and its developement. No greater struggle has ever been fought, and none so belittled by petty conceits and fables. Not only this, but if the edifice by which the aims of civilization are supported continues to be poised upon the flimsy foundations which the medieval monks constructed, it is exposed to the risk of falling beneath the blows that criticism and satire may reserve for its more vulnerable elements.

The accepted origin and spirit of the feudal system will also be challenged. It is in vain that the constitutions of certain modern states have forbidden feudalism, so long as the essential nature of feuds is misunderstood, or their origin is overlooked. Feudalism is not yet wholly extirpated from the European world. It has been cut down in some states, it has been removed from tenures of land in others; but its seeds survive, and it may flourish again. So too are the rights of assemblage, aye, even of religious liberty, jeopardized, so long as we remain but imperfectly acquainted with their historical developement and the means by which they have been and therefore may again be subverted.

Even after these subjects are rightly determined the hierarchical version of Roman history will be found protected by formidable defences. Not merely literature, but the fine arts have been largely employed in its support. Painting, sculpture, the drama, music, and architecture, all sprang up within the sacerdotal enclosure and in a certain sense they all belong to it still. The medieval and modern works of art which perpetuate the ecclesiastical myths of antiquity are to be numbered by the million and are scattered broadcast; those which refute them are few and but little known. A wholesome and purer catholicity demands that the employment of these methods in religious systems should be discouraged; and that the arts shall be left free to enjoy the advantages of secular encouragement and developement.

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THE MIDDLE AGES REVISITED.

CHAPTER I.

ANCIENT ASTRONOMY, ASTROLOGY AND RELIGION.

The key to the Middle Ages is the history of the Ancient Empire—The corner-stone of the Empire was the Worship of Augustus as Divus Filius—Oriental origin of the Messianic Theory—The Ecliptical Cycle—Ten Months' Year—Incarnations of Vishnu—Movement of this Mythos westward to Babylonia, Egypt, Greece and Rome—Use made of it by the Romans—Pretensions of Titus, Sertorius, Pompey, Cæsar and Octavius.

THE history of the Middle Ages was evolved from that of the Empire. The corner-stone of the Empire was the worship of Octavius Cæsar as the Son of God, Divus Filius. Augustus was worshipped not as a hero or demi-god, but as a Messiah, an incarnation of the Deity, born of the Heavenly Father and an earthly mother; sent on earth in a miraculous manner, at a sacred period, and in pursuance of a heavenly design; which was to bring peace on earth, heal the wounds and inequities of the past, restore the Golden Age to Latium and fulfill the prophecies of the Cumæan Sibyl. These tokens identified him with all the Messiahs who descended from the Indian incarnation mythos and who consequently were due to appear on earth according to our present chronology in the year B. C. 63, which was the year of Ies Chrishna, Salivahana, Ptolemy IX., Woden, Hesus and numerous other Sons of God, whether impersonated by living men or not.

Said Tacitus, himself a priest and member of the Quindecemviral College: "The reverence due to the gods was no longer exclusive. Augustus claimed equal worship. Temples were built and statues were erected to him; a mortal man was adored; and priests and pontiffs were appointed to pay him impious homage."

In Gibbon's time the Oriental evidence which leads up to, invites and explains the worship of the Messiah, was lacking. In fact, such evidence only came to light after the British conquest of India, and

much of it has only been translated into European languages within the last half century.

The extent to which the Latin Sacred College has antedated, misattributed, altered, or perverted the literary remains of Rome, was not commonly suspected, or if suspected, as it was by many eminent persons, the suspicion could not be substantiated, for want of positive and convincing evidences. Such evidences are now supplied by the epigraphic monuments and coins which have been dug up chiefly within the last thirty or forty years. These evidences not only convict the College of innumerable forgeries, they prove that even the Calendar has been altered and a vast number of dates thrown into confusion, merely to make room for false dates and imaginary events.

This charge is not made lightly. In the chronological work cited below, (p. 3,) are contained the proofs that Augustus, in order to support his claims to divinity and make good his pretence of being that Son of God whose advent had been predicted in the sacred books both of the Orient and Occident, sank 78 years from the æra of Rome, which he reduced from 816 to 738 years before what is now known as the Christian æra. The same work also contains the proofs that in a long. subsequent age the Latin Sacred College, following the evil example of Augustus, and with a like deceptive object, added 15 years to the ancient calendar of Rome, thus removing the Foundation, or Year of the City, to B. C. 753, where it now falsely stands. This double alteration has rendered the chronology of Rome 63 years wrong; moreover, it is precisely to this extent that it differs from the chronology of the Orient. The proofs referred to are so valid, so numerous, so mutually corroborative and so convincing, that to refuse assent to them would be to defy the laws of evidence and degrade the science of history to the level of medieval hagiology.

Whatever reasons deterred The Historian of Rome from examining and elucidating the remarkable passage above quoted from Tacitus, the fact remains that it has not been elucidated. Within the last quarter of a century several very elaborate works have been written on the worship of Augustus; but while they fully prove the manner and extent of this worship, they omit to explain its origin and fail to trace its consequences. A religion which was shared by over one hundred millions of the most civilized people in the world, many of whom fiercely contested the honor of erecting its temples or otherwise demonstrating their devotion to it, must have had both a paternity and a progeny; it must have originated in circumstances of widespread belief; it must have ended in circumstances of universal

disbelief; it must have left behind it sequellæ that covered centuries of time and affected every part of the Roman Empire. All these circumstances are disregarded by the chroniclers of the Augustan cult. It will be the aim of the present work to supply what they have omitted.

In searching for the origin of an Idea, the explorer must be trebly equipped; he should start with an arsenal of information; he should be prepared to find that, like a River which is fed by numerous streams, the object of his search has not one origin but many origins; he should be satisfied if he is able to discover that a single one of these streams is navigable. In the author's work on "The Messiah" he has fixed the æras of more than two hundred so-called incarnations of the Deity, of which about one-half were assumptions of divine origin on the part of real historical personages, while the remainder were mythical incarnations of ideal personages; the latter being of course always the inventions of ages long subsequent to the æras assigned to them, and therefore anachronical. An attentive examination of the details, real or fabulous, relating to these personages, will hardly fail to leave the impression that one class of them were the offspring of the other; in other words, that the mythical incarnations were in most cases reactions against the historical pretenders; in short, that man has ever sought a refuge from the tyranny and exactions of earthly deities in the creation of imaginary beings, whose attributes fitted what was at the time his measure of Perfection. This is a mental process which we begin in childhood; it is one which we shall always practice; the only change that will ever occur in its operation will be the shifting of its centre; our Ideal will not always be the same.

The creation of ideal Messiahs and their acceptance by the people, are two very differenf things. The former is within the power of any individual; the latter requires the aid of popular superstition; and this in turn must have a basis, be it ever so small, of physical truth, obvious to the senses and placed beyond question.

There can be little doubt that the messianic theory originated in India, where it developed, probably before the Mahabharata wars, into the ten incarnations of Ies-nu, or Vishnu. The theory was that at each annualized revolution of the moon's node, or more precisely, at each annualized or solarised ecliptical cycle, the entire system of the universe was renewed, the same celestial movements recurred and a new æra was begun. This æra was marked by the appearance on earth of Brahma, or Ies-nu, the Creator, in a new form, or avatar.

It was believed that at the end of ten such manifestations, the celestial system would run its entire course, the earth would be destroyed and mankind would be brought to final judgment. A relic of this theory till survives in the Persian, Jewish, Greek and Roman mundane æras, all of which can be traced to the 6585 years which the Indians accorded to the ten incarnatlons of Ies-nu and termed the Earth's Journey.

This interval had an astronomical basis with an astrological extension. In order to understand its origin, it must be premised that at the period when the extension was adopted, that is to say, some time between the Mahabharata wars and the alleged advent of Gotama, the zodiacal circle was divided into 36 decans each of ten parts; the civil year consisted of ten months each of 36 days, with five epagomenæ; and the number of incarnations, demi-gods, patriarchs, tribes, institutes, commandments, prytanies, judices, etc., was always ten. Such was the case in India and in all the countries which derived their civilization from India. Hence in the various astrological deductions which the ancients made from their astronomical knowledge, the divisor or multiplier, as the case might be, was as commonly ten as now it is 12.

The astronomical basis of the Earth's Journey was the 6585⅔ days of the ecliptical cycle. This cycle not only comprised the whole round of eclipses; it also renewed all the lunar festivals on the same days of the 36-day month. It was therefore the Metonic cycle, so to speak, of the ten months' year. The astrological extension of the ecliptical cycle consisted in assuming that when the cycle had recurred as often as there were days in the civil month, the celestial system would be renewed; and moreover that after ten such renewals, the system would come to an end. The basis of astrology is always the truth; it is only the superstructure that is false; unfortunately, the superstructure forms the greatest part of it. At each renewal of the celestial system, according to this theory, a new incarnation of the Deity, a new Messiah, would visit the earth and bring to it love, peace and happiness. Said Iesnu, or Ies Chrishna: "Whenever there is decline of righteousness and uprising of unrighteousness, then I project myself into Creation. For the protection of the righteous and the destruction of the evil-doer and for the proper establishment of the law of righteousness, I appear from Age to Age. . . . At the end of a kalpa all things return into my nature and then at the beginning of a kalpa, I again project them." Bhagavad Vita, IV, 7, 8; IX, 7.

The remotest period to which a knowledge of the kalpa or ecliptical cycle can be traced is the Mahabharata wars. The messianic theory, which is based upon it, is of course later, though how much later cannot at present be determined with assurance. It is certainly earlier than the æra of Gotama, for it was at that period when the year, previously of ten months, was first sub-divided into twelve months and when the other tens were changed to twelves.

Monuments, letters, language, names, dates, popular customs, religious rites and festivals, calendars, zodiacs, and numerous other evidences still extant, combine to prove the Indian origin of the messianic theory, the Divine Year of 658 common years, the Earth's Journey, and the various doctrines that grew out of these conceptions. That they flowed out of India westward into Persia, Babylonia, Egypt, Greece and Rome, can be demonstrated so overwhelmingly that the cosmogonies which refuse to recognize this great fact will either have to suffer revision or fall into contempt. The Babylonians and Assyrians imported almost all their religious materials from India; their heaven and hell are both Indian; the Babylonian messiah, Nara-Sin, is the fourth incarnation of the Indian Vishnu; the Man-lion of the Assyrian seals and cylinders is his Indian zodion;[1] the Babylonian cross and svastica are Indian; the Syrian gods, patriarchs, religious cycles, year of the Creation and names of the months are all Indian; the Egyptian worship of Mother and Child, the cup and sacred heart, the steeple, cross, bell, rosaries, altars, censors, holy water, rite of baptism, soul's journey to purgatory, etc., are all Indian, the Greek messiahs down to the period of Alexander are all Indian; the Gaulish Hesus, Virgo Paritura and cross quarter-days are Indian; the Gothic Woden and Fricca, and Yule-tide are Indian; while many of the Roman festivals, ceremonies, rites, symbols and mysteries, both before and after the inception of Christianity, are also Indian. On the contrary, there is no evidence that the Indians ever imported any religious beliefs, customs, rites or tokens from the West. Religious light from the West would provoke a smile not only in India but in any country. The course of religion as well as of empire has almost invariably been from east to west; not from west to east.[2]

[1] Cesnola found in Cyprus a cylinder of Naram-Sin, son of Sharrukin, who "knew not his father." Laing's "Human Origins," pp. 55-6. This is plainly Nara-Sin and Varaguin, the fourth and third incarnations of Iesnu, or Vishnu.

[2] In 1497, when Vasco De Gama and his party first beheld a Hindu temple and observed its ceremonies and ritual, they mistook it for a Christian church and piously

The doors through which these heterogeneous materials entered the pantheon of Rome were opened by Roman arms. Quirinus, the Indian Quichena, came from conquered Etruria; Ischenou, Chres, Jasius and Dionysius from conquered Greece; Osiris, Isis and Horus from conquered Egypt; Serapis from conquered Pontus; and Nebo-Nazaru, Thammuz, and Bel from conquered Babylon. It was not that the Romans were prone to worship the gods of their enemies; on the contrary, we shall presently see that one of the first acts of their victorious commanders was to impose a Roman god upon the nations they subjugated; it was that their captives were so numerous that all of these foreign religions secured a footing in those parts of the empire to which their votaries were consigned as colonists or slaves. Thus while the Greek Bacchus was secretly worshipped in Italy, Titus Quinctius Flamininus was openly worshipped in Chalcis and Apollonia; and while the rites of the Celtic Hesus were smuggled into Rome, Quintus Sertorius set himself up for the Messiah in Celtic Spain. There is also reason to suspect that Cæsar practiced a similar imposture in Gaul, just as Columbus, Cortes and Pizarro afterwards did in America. It is not without significance that the pre-Roman Hesus of the Cluny Museum is dressed in a Roman toga. Cæsar's contemporaries, Sylla, Pompey, Sextus, Marc Antony and Octavius, the moment they were entrusted with consular office, set themselves up for gods. It is difficult to believe that Cæsar waited until after the conquest of Egypt before adopting a similar means of acquiring authority, or of attaining supreme power.

In addition to the gods whom she acquired by conquest or added by imposture, Rome imported a fresh deity when she opened a direct line of commercial communication with India. A small and indirect commerce with the Orient had previously been pursued by way of Rhodes, afterwards through Alexandria and still later through Tarentum and the Calabrian and Illyrian ports of the Veneti, from whom Rome captured a line of emporia which led from Italy to the Euxine, and thence by the Palus Mæotis to the Orient. It was not until the conquest of Egypt was effected by Cæsar that the Romans acquired a direct channel of trade with the East. This was in B. C. 48, or, according to our present chronology, 15 years after the Hindu reincarnation of Ies Chrishna, in the person, real or pretended, of

worshipped at the altar. R. S. Whiteway's "Rise of the Portuguese Power in India," London, 1899. When, during the present century the British sepoys landed in Egypt they, in like manner, mistook the Christian churches for Hindu temples and there knelt in prayer. Higgins' "Anacalypsis."

Salivahana, son of Maia. The Romans now got their mythology fresh from its original mint; and some of its features thus obtained will duly appear in the legends and ritual which were manufactured for Augustus by his subservient courtiers, astrologers and calendar-makers.

To preface an account of the Augustan worship with a history of all the pretended incarnations of the Deity that preceded and led up to it, would fatigue the reader at the outset. The student who is curious in this respect will find a very complete account of them in the author's work on "The Messiah." It will be going sufficiently far afield if in the present work we begin our account of Eastern and Western incarnations with those of Alexander, the Seleucidæ and the Ptolemies. It can scarcely be doubted that the worship of these personages as deities, throughout the extensive provinces over which they reigned and which afterwards passed under the yoke of Rome, had fully prepared and accustomed their inhabitants to the kind of worship which Augustus deemed it essential to demand of them.

If to these are added some account of the Iberian and Gaulish Hesus and of the Indian Salivahana, it is believed that the reader will be sufficiently prepared for the important but hitherto submerged Institute upon which as we believe rested the whole weight of the Roman imperial constitution.

CHAPTER II.

EASTERN AND WESTERN INCARNATIONS.

Philip of Macedon—Alexander of Macedon—Ptolemy Soter—Ptolemy Epiphanes—Seleucus Epiphanes—Antiochus Soter—Antiochus Theos—Antiochus Epiphanes—Revolt of the Maccabees—Deification of Demetrius Poliocetes—The Parthian god-kings—Romulus (Quirinus)—Numa Pompilius—Scipio Africanus—Titus Quinctius Flamininus—Sylla—Quintus Sertorius—Hesus—Salivahana.

BEFORE the erection of their government into a Republic the Athenians had been well grounded by their priests in the Brahminical doctrine of their own heavenly descent. They were taught that every freeborn Athenian was descended from Jupiter and Apollo; and one of the forms of this egotistical creed even crept into the Republic, whose archons, before they were invested with office, had to affirmatively answer the question: "Are you related to Apollo Patrius and Jupiter Herceus?" which was equivalent to asking: "Are you a descendant of the gods?"[1] Although intelligent persons knew very well that they were not so descended and therefore that the question was practically, "Are you a freeborn citizen of Athens?" yet there was a numerous class of sojourners and helots whom policy rendered it necessary to cajole or overawe with this fabulous pretence of divine origin. The Greek mind was therefore well prepared for the reception of the Incarnation Myth, a fact which the reader should not fail to recall whenever any of the following extraordinary circumstances exceed the measure of his credulity.

It is evident that, at some period of the wars which ended by placing both Greece and part of Asia Minor at his feet, Philip of Macedon designed to assume the part of a divinity. He traced his descent from Hercules and his wife's from Achilles; and it may have been in furtherance of this purpose that he also caused his wife's name, originally Myrtalis, to be changed to the more sacred one of Olympias. Whether her opposition to Philip's design was the cause of their estrangement and subsequent divorce, does not appear; yet some circumstances point that way. After divorcing Olympias, Philip

[1] Potter, Ant. Gr., Book I, chap. xii.

married Cleopatra, the niece of Attalus of Macedon, and by her had a son. To commemorate this event he ordered a festival and solemn games to be celebrated at Ægæ. The proceedings opened with the presentation of crowns of gold to the king from all the dependent states. On the day succeeding the feast, the statues of the Twelve gods were born in procession, and a thirteenth statue followed, of more exquisite materials and workmanship than the others. This represented Philip himself and signified the divine rank which he intended to assume. [1] Upon issuing from his palace, accompanied by Alexander, his son (by Olympias) and Alexander the vassal king of Epirus, Philip was seen clothed in a white flowing robe, the kind of habiliment in which the Grecian deities were usually represented. What ceremony was designed to be performed in the theatre, toward which the procession moved, we cannot tell, for at the moment that the king approached the entrance, he was suddenly stabbed to death by Pausanias.

The assassin was immediately pursued, overtaken and despatched by the spectators and his body was exposed upon a gibbet; yet the next morning it appeared crowned with a golden diadem, which had been placed upon it by the order either of Olympias, or Alexander. The body was then taken down and laid with that of Philip; the funereal honours were divided between the king and his murderer; both bodies were burnt on the same pile, and their ashes deposited in the same tomb. It is reported that Olympias, who superintended these ceremonies, also prevailed on the Macedonians to solemize annual obsequies to Pausanias and that she consecrated to Apollo the dagger which had been the instrument of her husband's death.

It is hardly necessary to observe that such extraordinary proceedings would never have been permitted to take place without the sanction and approval of the ecclesiastical authorities. Unless in their eyes Philip had committed an act of impiety and sacrilege, by associating his own image with that of the gods and by assuming, without their concurrence, the conventional habiliments of a divinity,

[1] This statue of Philip was only one of several origins of the unlucky reputation of the number Thirteen. For example, Plutarch, in Demetrius, says that that divinity punished the disobedience of the Thebans by crucifying Thirteen of them and forgiving the remainder. So in the tragedy of Œnomaus, by Lucius Accius, or Attius, who flourished about A. U. 583-617, thirteen noble youths are sacrificed in a vain attempt of the king of Elis to defeat a sacred prophecy. Consult Cic. ad Pap. Paetus. To go still further we find the high priest Manetho, in Josephus upon Apion 1, 28, alluding to the thirteen years of Amenophis. Indeed the thirteen puzzle is probably as old as the Buddhic calendar. Consult the Index to the present work.

it is inconceivable that the Macedonians should have allowed Olympias to pursue the strange course attributed to her and in which Alexander, then twenty-one years of age, appears to have connived.

The death of Philip was the signal for a rising of the subject Greek states; but Alexander struck them such a blow by destroying Thebes (B. C. 334) and butchering or enslaving its helpless worshippers of the blue-eyed Virgin[3], that the other states finally submitted, by sending him the contingents which he demanded for his Oriental expedition. Without giving the recruits a pause he led them at once across the Hellespont, defeated the Persian satraps at the passage of the Granicus and soon found himself in possession of all Asia Minor. Advancing southward along the coast, he encountered the Persian host, under Darius, at Jassus, a place situated at the head of the gulf of Cyprus.[4] The result was the total rout of Darius and the dispersion of all hostile forces from the valleys and plains of Asia Minor. This victory Alexander commemorated by erecting altars to Jupiter, Hercules and Minerva, which appear to have been still standing in the time of Cicero.[5]

To the Macedonian the way was now open to Egypt, to India, to universal dominion. Pursuing his victorious march toward Egypt, the fleet following the army with supplies, Alexander next besieged and destroyed Tyre, (July, B. C. 332,) then the chief emporium of the Oriental trade. In the same year he entered Egypt and summoned the Persian satraps to surrender to his forces.

Alexander's declaration to the Macedonians, that on the death of Philip, not the purposes, but only the name of their sovereign was changed; the murder of his young step-brother, the son of Cleopatra; his care while demolishing Thebes, not to efface or injure any of the orthodox religious edifices; his moving the Athenians to build a minor

[3] That the "blue-eyed virgin" was worshipped in Thebes is evident from the numerous images of this divinity taken from the ancient sepulchres of Tanagra, about midway between Thebes and Athens, in 1873. The hair is, without exception, reddish brown, the eyes always blue. Some of these figures are now in the museums of St. Petersburg, Berlin, Paris and London. They are scarcely to be distinguished from modern figures of a similar kind.

[4] Spelt variously as Jasus, Jassus, Issus, Iesus, etc. The orthography of the text is from Q. Curtius. At Mileto, Alexander saw a youth whose piety and wisdom tamed the very fishes of the sea. This youth was of, or named, Jassus, and Alexander appointed him high-priest, sacred to Neptune, who, according to some, was the brother and spouse of Magna Dea, whilst others say he was the father of that favorite goddess. Transl. Q. Curtius, 1, 225; Tooke's Pantheon, 179; Pausanias, Arcadics, chap. 48.

[5] "We encamped at the foot of Mt. Amanus, near Alexander's altars." Cicero, ad Marcus Cato, A. U. 703.

temple to Pausanias, the assassin of his sacreligious father: his magnificent sacrifices and imperial gifts to the temple of Jupiter Olympus at Dium, of Minerva at Troy, and of Diana at Ephesus; his splendid gifts to the priests everywhere; his ostentatious erection of new altars to Jupiter, Hercules, Neptune, Minerva, and Diana; and the endowment of new livings upon their ecclesiastical officers; the continual allusion to his own divine descent from Hercules; the declaration that he was a ten months' child [6]; the deposit of his own bejeweled armour in the Trojan temple of Minerva and the adoption in its place of a portion of the rough, but sacred armour, which the priests pretended had hung there since the Homeric period; his attempted alteration of the Macedonian month Decius to Artemisius Bis [7]; the religious impostures which he directed Aristander to practice; the picture of himself grasping a thunderbolt, which was ordered for the temple of Ephesian Diana and for which he paid Apelles twenty talents; besides numerous other evidences, all point to the design of his own deification. [8]

His father Philip had approached a similar design rudely and sacreligiously. Alexander had made atonement for this error by honouring the remains and the memory of his father's murderer, he had conciliated the priesthood, and by continually repeating the fable of his own divine origin, he had possibly come to believe in it himself.

Whatever scruples remained on this subject, they were swept away by the victory at Jassus. Darius, whom he had defeated, was a god; not only this, but he was a god over numerous minor gods, the kings and satraps of his extensive empire, many of whom had been acknowledged by their subjects and worshipped as divinities. Therefore his conqueror, Alexander, could be no less than a god. Indeed, under the circumstances, it is difficult to see how Alexander could escape from making use of this form of exaltation. This appears to have been the opinion of Arrian, who wrote on the subject as follows: "I cannot condemn him (Alexander) for endeavouring to draw his subjects into the belief of his divine origin, nor can I be induced to think it any great crime, for it is very reasonable to imagine that he in-

[6] Q. Curtius, x, 4.

[7] Q. Curtius, Supp. 1, 195. Alexander probably made far more important alterations of the Calendar, but the medieval transcribers and mutilators of the Greek text have swept them out of sight.

[8] It was doubtless to the numerous sacrifices, gifts, endowments and other benefactions with which he appeased the avidity of a degraded ecclesiasticism, that he owes his surname of the Great, a title which, throughout all history, has been reserved only for those who earned the gratitude of the church.

tended no more by it than merely to procure greater authority among his soldiers. [9]

It is related by Josephus that when Alexander approached Jerusalem the high-priest Jaddus cleverly smoothed the path which the Macedonian had evidently determined to climb. He discovered a fitting presage of Alexander's divinity and incarnation in the prophecies of Daniel, and diplomatically indicated to the Greek commander the proper locality in which the solemn ceremony of his recognition should take place. [10] This was at the temple of Jupiter Ammon, in the Lybian Desert. The result of his summons to the Persian garrisons of Egypt was their unconditional surrender; and in B. C. 332, Alexander entered that country in person. After securing its strongholds, he proceeded to the scene of his pretended elevation. Preparing the priests of Jupiter Ammon for the impending ceremony, by messages and costly presents sent in advance, Alexander, at the head of a legion, traversed the desert to this shrine and, entering the sacred enclosure, was there greeted and anointed by its chief priest, as the Son of God.

"As the king approached, the senior priest saluted him as the Son, declaring that Jupiter the Father had bestowed the title. Alexander replied that he accepted it, and was assured of its validity. He then enquired whether the Father destined him to the empire of the globe. To this the hierarch replied that he should govern the whole earth." Alexander was then admitted to the temple, where he beheld Jupiter symbolized by a Lamb or Ram and where he sacrificed and presented gifts to the priests and attendants. [11] His friends then consulted the Oracle merely to know if they should yield divine honours to the king. The reply was, Jupiter desires that you shall render divine honours

[9] Arrian, as quoted by Prof. John W. Draper, in "Religion and Science," London, ed. 1890, p. 9.

[10] Dr. Gillies, Mr. Moyle, (II, 26), and other critics altogether discredit the visit to Jerusalem. The pros and cons are briefly but comprehensively discussed in a footnote to the Translation of Quintus Curtius, I, 257. If he simply wished to be deified, Pescinus would probably have better suited Alexander's object than Jerusalem; but as he also wanted soldiers and tribute, there seems to have been advanced no sound reason for doubting the text of Josephus, Antiq., XI, viii, 4-5. A similar tale is told in connection with the Arabian Conquest of Spain. Said Ibn Dhahan: "When Musa arrived in Andalus, one of the bishops of that country said to him, 'Oh, Musa! We find you mentioned in one of the prophets, who tells us of an illustrious prince, answering exactly to thy description, who is to enter this country'" (and conquer it). Al-Makkari, Appendix lxxvii. The Indian priests in America had a similar legend for the Spanish conquerors.

[11] The vernal equinox was at that period in the constellation Aries.

to your victorious sovereign.[12] In all of Alexander's subsequent letters and despatches he assumed the title of the Son of God, and, as such, was acknowled by both the subject nations and the Greeks, [13] all except his mother Olympias, who according to one account rallied him with good humour, but in vain, concerning pretensions which threw a doubt upon the nature of her maternity.[14] According to another account, she had gone to sleep in a temple, had been visited by a serpent, etc., whereupon Philip divorced her. [15]

Alexander died, it is alleged, from the effects of a debauch, on the 28th Decius, B. C. 323, aged 33 years. [16] Among the last words imputed to him was the desire that his remains should be deposited in the temple of Jupiter Ammon. [17] As with most of the previous incarnations, a new æra was counted from his apotheosis, (B. C. 332), called the Alexandrian; but with the rapid partition of his empire, it fell into disuse. It was afterwards buried beneath various alterations in the Macedonian, Attic and Roman calendars, the most important one of which was the subtraction of ten years from the Greek epoch of the Creation and, by consequence, from the Alexandrian æra as well. According to the Benedictine authors of L'art de Verifier les Dates, this was done in A. D. 285; however, the authority is suspicious. It is much more likely to have been the work of some later "reformer" of the calendar. The result of this alteration is that many modern works of reference erroneously place the Alexandrian æra in B. C. 322 and sometimes in 323 and 324. [18] Down to recent years the Alexandrian æra was used in Abyssinia, where it is known as the Coptic.

After the death of Alexander, the circumstances which led him to assume divinity, appear to have influenced in a similar manner those of his generals, who seized the various provinces of his empire. Ptolemy, who commanded in Egypt, having first deposited near

[12] Q. Curtius.

[13] Calisthenes of Olynthus, the friend of Aristotle and preceptor of Alexander, was mutilated, torn by wild beasts, and executed by poison, for refusing to worship Alexander as a god, B. C. 328.

[14] It is a pity that Moore's "Oriental Pantheon" was not published when Dryden wrote his "Feast of Alexander." [15] Justin, XI, ii.

[16] Some reasons for believing that the Macedonian calendar was altered are given in the Transl. of Q. Curtius, II, 407, *n*.

[17] Alexander was called Bicornis by the ancient Arabians, Bicorniger by the Romans, and Iss-Kander by the Moslems. All these are surnames of Bacchus, or Ies Chrishna.

[18] Nicolas, Hist. Chronology; L'art de Verifier les Dates; the Transl. of Q. Curtius; Appleton, art. "Chronology;" Haydn, "Mundane Æras."

Memphis the embalmed remains of Alexander, subsequently entombed them at Alexandria, in a magnificent serapion, dedicated to Jupiter Ammon. [19] Upon mounting the throne of Egypt Ptolemy assumed the surname of Soter, or Saviour. It was this monarch who invaded Syria and annexed Judea as an appanage to Egypt. The eighth and ninth Ptolemies were also named Soter, whilst the fifth was called Epiphanes, or Manifestation of the Deity. These sacred titles indicate the assumption of that same form of exaltation which Alexander had obtained.

In B. C. 311, Seleucus, surnamed Epiphanes and Nicanor, another of Alexander's generals, having first murdered his step-mother and infant brother, entered Babylon and established the Sacred empire which bears his name. After this, it was discovered that his mother had conceived him through a miracle and that his father was Apollo. [20] In a temple which he erected to Jupiter Ammon, at Antioch, he was solemnly recognized as the Son of God, (Apollo). On some of his numismatic effigies appear the sacred horn of Taurus and the supreme title of Basileus, or sovereign-pontiff; on others, the head of Jupiter, the Father. [21]

The surnames or titles of his successors, Antiochus Soter, Antiochus Theos, Antiochus Epiphanes and the sacred emblems on their coins, such as Jupiter, Apollo, Minerva, Diana, Hercules, the Eagle and the Thunderbolt, afford proofs that this pretence of heavenly origin was continued. Their titles, as stamped upon the coins, afford other proofs. These were the God, Son of God, the Saviour, the Basileus, etc., thus, Antiochus Theou Epiphanes, or God Incarnate. Still other proofs are derived from their histories. It was Antiochus IV., (Epiphanes) King of Syria, who set up the statue of his pretended father Jupiter, in the Temple. His attempt to compel the Jews to worship him, Antiochus, as a god, gave rise to the insurrection of Mattathias and his sons, the Maccabees. Antiochus VIII., Epiphanes, nicknamed Gryphus, proclaimed his mother as Diva Ceres and himself, as the Son of God. His æra, as well as that of Tyre and Sidon, which he conquered, was B.C. 125, exactly one ludi sæculares before the Apotheosis of Augustus. Indeed, down to the time when Pompey reduced Judea to a Roman province, (B. C. 65), all the

[19] Alexandria was built on the site of an Egyptian town called Rha-cotis. Pausanias, Eliacs, 21.

[20] Justin. The fact that at first he was worshipped as the son of Apollo and afterwards as Apollo himself seemed to have presented no difficulty to the perverted minds of the Greeks.

[21] Humphreys, 145.

princes of the Seleucidan line were successively deified and required to be worshipped as Sons of God. Like the previous dynasties of incarnated gods, this line also established an æra, [22] which was named after Seleucus and began B. C. 311, the year when its founder was deified. Nicolas dates the æra September 1st, B. C. 311. Haydn says September 1st, 312. The apparent date was the autumnal equinox, or the first moon following it, of the year B. C. 311. [23] The (Augustan) æra of Antiochus Gryphus was B. C. 110, since altered to B. C. 125.

Demetrius Poliocetes, born B. C. 337, died B. C. 283, was king of Macedon, 294-287. He was the son of Antigonus, who in the first division of Alexander's empire, received for his share several provinces of Asia Minor. After taking part in his father's wars in Syria against Eumenes and Ptolemy, Demetrius sailed to Greece, and in 307 took Athens without resistance. Anarchy, civil wars, and fear, had now brought the Greeks so low, that they hastened to greet and worship both the absent Antigonus and the present Demetrius, as gods and "god-protectors." Temples were erected or altered in their honour; priests were appointed to conduct a worship which was profanely addressed to these divinities; an altar was erected upon the spot where Demetrius first landed, and consecrated to Demetrius Cantabates; his portrait was depicted or wrought in the peplum or holy veil; and the Greeks changed the number of their tribes from ten to twelve, calling the new ones Antigonis and Demetrias; thus raising the senate from five hundred to six hundred members. But adulation did not stop even here. Led by Stratocles, Dromoclides, and other sycophants, the senate decreed that the messengers who should be sent on public business to either Antigonus or Demetrius should be called theori, a sacred title, hitherto reserved for the holy officers, who on solemn festivals carried the sacrifices to Delphi and Olympia; that the same worship should be paid to Demetrius as to Ceres (Maia) and the infant Bacchus; that the festival of Bacchus, previously called Dion-Issus, should be called Demetrius; that the month Munychion should be called Demetrion; that the last day of every month should be called Demetrias; that sacrifices should be made to Demetrius as to a god; that Demetrius as the god-protector should be consulted as a holy oracle and besought to reveal to mankind the most pious and acceptable method or ritual of consecrating

[22] Nicolas says, under the Æra of Constantinople, that the Civil year began on September 1st, whilst the ecclesiastical year began with the vernal equinox, ranging from 21st March to 1st April. [23] Cf. Plutarch, in vita; "The Messiah," p. 153.

an intended offering of shields to Delphi; that the temple of the Parthenon, sacred to the Virgin goddess Minerva, should be consecrated as a palace for the sacred Demetrius; that his word and act were Infallible and should be accounted holy in respect of the gods and just in respect of men; that he be invited both to the Lesser mysteries and the Greater; and that the office of archon and the custom of giving the archon's name to the year be abolished, and a new æra begun with the advent of the new god Demetrius.

With respect to the motives which prompted these digraceful decrees, we have the testimony of the cautious Plutarch: "Excessive honours are very indifferent proofs of regard for conquerors, because the value of such honours rests in their being voluntarily given, and there can be no certainty that they were not rendered in fear; thus fear and love produce similar popular demonstrations. Wise princes will not regard statues or divine honours as evidences of popular gratitude or affection, but rather as dedicated by fear or necessity. Nothing more frequently happens than that the people hate their sovereign the most, at the same time when he is the object of their most slavish adulation." Pausanias is more decided: "Men are not gods; they are dignified with that appellation only through fulsome flattery; and their crimes will be punished with the wrath of heaven when they depart from hence." (Arcadics, II.)

The use to which Demetrius put the honours decreed to him shows how unworthily they were bestowed. He planted an army of wives, concubines, slaves and catamites in the Parthenon, which he "so polluted with his debaucheries that it appeared to be kept comparatively clean when he indulged himself only with such abandoned creatures as Lamia, Demo, and Anticyra."[24] He bestowed upon his principal wife the sacrilegious name of Dei-damia, or the Spouse of God.[25] He authorized suddenly and collected with great severity an extraordinary tax of 250 talents, the whole of which was bestowed upon Lamia, wherewith to furnish her toilet; indeed, he conferred upon this favourite of his harem the extraordinary power of levying taxes without his intervention, a privilege which she exercised so freely as to gain for herself the surname of Devourer; and he devoted his daughter Stratonica to an incestuous marriage; for she lived first with Seleucus Epiphanes the father, and afterwards with Antiochus Soter, his son. Demetrius wore "a double diadem, a robe of purple

[24] Demo and Anticyra are names which appear to have derisive meanings. Lamia was one of the many names for the Mother of the Gods.

[25] In most of the ancient mythologies the Spouse and Mother of God were the same.

interwoven with gold, shoes of gold cloth, with soles of fine purple. [96] There was a robe a long time in weaving for him, of most sumptuous magnificence. The figure of the world and all the heavenly bodies were being displayed upon it; but it was left unfinished." He became difficult of access and either declined to grant an interview to those accredited to him, or treated them in a distant and haughty manner. Though he favoured the Athenians more than the other Greeks, their ambassadors waited at his court (of Pella) two years for an answer.[97]

It would weary the reader to describe all the pretended incarnations of historical persons that, like a pestilence, ravaged the various countries which had formed the empire of Alexander. From Arsaces I., a robber chieftain, who carved the Parthian, out of a portion of the Seleucidan empire, B. C. 250, down to Arsaces XII., (Theos) who demanded that Pompey should address him as Basileos-Basileii, the whole of this line assumed to be gods sent from heaven to bring peace and happiness to a world steeped in sin and misery. [98] Badly mutilated as is the Greek literature of this period, it is still full of incarnations; and when the dismembered remains of the Greek empire fell under the dominion of Rome, the infection spread to Italy, where indeed a foundation for it already existed, but had long remained used.

It is now agreed on all hands that the early history of Rome, like the early history of all the states of antiquity, is fabulous; and that Romulus, Numa Pompilius, and many other of its early heroes, never existed at all, or, if they did, that their real history is entirely lost in the mass of fiction and imposture with which their names are associated. If conjecture be permitted to supply the place of fact, in a matter which can be of little practical importance one way or the other, Rome, which is not mentioned by Herodotus, nor Thucydides, grew up after their æra, from the debris of the Etruscan and Greek empires. [99] The Etruscan states had existed in Italy from a remote

[96] Jullius Cæsar and, after him, both the pagan and Christian chief-pontifices wore similar slippers, which they required all who approached them, to kiss. "Our Rome correspondent telegraphs that a party of sixty Canadian pilgrims were received yesterday by the Pope. They brought some handsome contributions for His Holiness and were rewarded by being admitted to kiss the Pope's foot." London Morning Chronicle, September 3, 1894.

[97] Justin, x, li, 5. Ammianus Marcellinus, xxiii.

[98] The evidences of these Sassanian incarnations appear on the coins.

[99] Rome was first mentioned by Theopompus. Consult Niebuhr; Dunlop; Thompson, Rom. Lit.; and Dr. Adams, Rom. Ant. The Veneti probably also influenced the early history of Rome.

epoch, and in common with all the states of the Levant, had derived their astrology, religion and form of government, from India, Chaldea and Egypt. This opinion, which is based upon numerous evidences derived from archæology, comparative philology and other sources, is corroborated by the Etruscan institutes, for example, the ten gods, the ten commandments, the ten months of the year, the ten judices, the ten tribes, the ten silver for one of gold, in certain of its states; and the twelve gods, commandments, months, etc., in others. The Romans, in extending their dominion over the adjoining Etruscan states, were obliged to accept these institutes without always understanding their significance; hence the strange admixture of these two numbers in their own resulting institutes of government. If it be supposed that the states of Etruria were arrayed against one another in religious wars, the nature of which was reflected in an attempt to change the original ten gods and ten series of institutes to twelve, and that this occurred during the period when the sun was in the sign Gemini, we shall have, at all events, a plausible theory upon which to base the origin of the Roman state and the Roman myth of the twins Romulus and Remus. [30]

However this may be, Romulus was certainly regarded by the Romans of a later period, as an incarnation of the deity. The twins were ten months' children, born of the virgin Rhea Sylvia, by the god Mars. Shortly after their desertion and miraculous preservation, Remus was killed. Romulus, with the sacred title of Quirinus [31], became the deified king and high-priest of the state which he had founded. He organized the Flamines Quirinales, and at his death, his body was surrounded by a flame and snatched up to heaven. Like the previous incarnations, Romulus established an æra. This dated from his divine birth which Timæus and Cicero fixed in B. C. 814 or 816; the æra now in use, B. C. 753, being that of the Apotheosis of Romulus, attributed to Varro, while the Christian equivalent is that which has been adopted by the Latin Sacred College. There are, however, many other calculations of this æra [32], one of which makes it agree with B. C. 750, in which case Romulus, like Alexander, died in his thirty-third year, because his death, according to Dionysius, occurred B. C. 717. As the æra of Romulus coincides, to the day,

[30] Lanciani's theory of the sherds and shepherds is that of a savant whose learning and mythology are at deadly war. "Ancient Rome," chap. II.

[31] From the Oriental Quiche-na, Quirishna, or Chrishna.

[32] These calculations vary from the 28th year before the first quadrennial Olympiad to the fourth year of the twelfth Olympiad. See Appendix S.

with that assumed for the building of Rome, the Republic, during its period of freedom, termed it anno urbis conditæ, and by this name it has passed ever since. [33]

We now come to the strangely confused story of Numa. Plutarch, in Numa, says: "There is a great diversity among historians concerning the time when Numa lived," yet his reign is now ascribed, with suspicious exactness, to the period B. C. 715-673. Numa is regarded by Livy and other Roman writers as an historical personage; but modern research has established beyond all reasonable doubt, that as represented by Livy, he was a myth, copied to some extent from the myth of Buddha. It is possible that the story of Numa was invented and introduced into the history of Rome by some religious reformer of the republican æra, with the view to discourage hierarchical government, idolatry and caste. Livy admits that "Clodius, in his emendations of chronology, says that the ancient archives were destroyed when Rome was sacked by the Gauls, and that those now extant were forged in favour of certain persons who desired to prove from them an illustrious lineage." They may have taken the same opportunity to "prove" some other things as well.

It is related of Numa that upon being offered the kingdom of Rome by the ambassadors of that state, he at first declined it, saying: "I am only of mortal race and you must be aware that my bringing up and education was in the ordinary manner." But as they persisted, and as his countrymen, the Sabines, recommended his acceptance of the office, in order to more firmly bind the Romans and Sabines in friendship, he at last consented. His first act of government was to dismiss the three hundred Celeres, or chosen men, who had formed a body-guard to the king. He abolished the distinction of Roman and Sabine, and broke up the tendency toward caste by the establishment of trade-guilds, into one or another of which, all the citizens were enrolled. He "reformed" the calendar, by altering the division of the year from ten into twelve months. He abolished the sacrifices of all animate objects, confining the offerings to "flour, wine and other simple and inexpensive things." He divided the public lands among the poor, turned the energies of the people from war to agriculture, rewarded the most assiduous with posts of honour and trust, and maintained for the state so profound a peace, that the temple of Janus was shut for forty-three years. He proclaimed the

[33] It is difficult to say when the Romans first began to believe in the incarnation of Romulus; perhaps not until after the decline of the Commonwealth.

unity of the Creator and strictly "forbade the Romans to represent the Deity in the form either of man or beast. Nor was there among them formerly (*i. e.*, after Numa's edict) any image or statue of the Creator. During the first years, they erected temples and other sacred structures, but placed in them no images of any kind, persuaded that it was impious to represent things divine by what is perishable, and that we can have no perception of the Creator but by the understanding." [34]

Thus far the chronicles of Numa contain nothing very incredible; and such may have been their character at the period of their original composition. But when, as we may suppose, the Roman republic began to decline, the attachment of the popular mind for the marvellous, rapidly added to them; and this is what was added: "By direction of the gods Numa was born the twenty-first of April, the same day that Rome was founded by Romulus." He received his institutes direct from the hands of the goddess Egeria, who according to some authors, was the same as Maia, Lucina, Cybele, Diana, Juno, etc., nay, she even lived with him as his spouse; and Plutarch has an argument in which he supports the credibility of this legend. Numa learnt from the gods and composed for mankind, an ointment of "onions, hair and pilchards, which is used to this day," to allay thunder and lightning; and being chided by Jupiter for thus disclosing the secret pharmacy of heaven, he confronted the god and, like father Tom Loftus with the Pope, he downed him in argument.

The next incarnation asserted or attempted in Rome was when the resources of the state, having been depleted by the first two Punic wars, she was obliged to make political concessions to those patrician families whose wealth constituted the only fund upon which she could now draw. The immediate result of this compact was the splendid prize of Spain; its eventual result was the extinction of the

[34] Plutarch, in Numa. Brady, Clav. Cal., has a passage in which he justly distinguishes between symbols and idols, in the worship of images. If the Creator is worshipped through a symbol, says he, then any symbol of the Creator would suffice for a visible object of such worship; but when an especial symbol or image is worshipped and miraculous movements or powers are attributed to such image, as for example, sweating, or bleeding, or healing, or other miracles, then no pretence of symbol-worship can render it otherwise than idolatry; for it is then the thing itself that is worshipped, dreaded, or loved, for the power it is supposed to possess, and not the Creator, symbolized by such thing. The "Pall Mall Gazette" of April 8, 1892, contains an account of a blind and paralytic woman, who was instantly and completely healed by an image at Lourdes.

Roman democracy. [35] Among the patrician families which had distinguished itself in the great services it had rendered to the state, was the Cornelian, to which gens belonged Pub. Scipio Africanus, (Major,) the conqueror of the Land of Gold and Silver. It has been frequently remarked by modern historians that the Roman conquest of Spain was in many respects like the subsequent Spanish conquest of America. In one respect it was totally unlike it; in the case of America the mother country destroyed all the gods who were worshipped by the natives; in the case of Spain, Rome almost acquired a new god for its own pantheon.

The approaching Ludi Sæculares of A. U. 550 is probably what put Scipio Africanus upon the design of godship. The legend is given by Aulus Gellius out of Oppius and Hyginus, the biographers of Scipio. It is also mentioned by Censorinus. The wife of Publius Scipio was barren for so many years as to create a despair of issue, until one night, her husband being absent, she discovered a serpent in his place and, upon consulting the sooth-sayers respecting this miracle, it was predicted that she would bear a Divine Infant. After ten months she gave birth to the future conqueror of Carthage.

In furtherance of this imposture, Scipio, (who, by the way, had been ordained a priest of Mars,) "was accustomed to visit the Capitolium in the extremity of the night and before the dawn of day, and to order the cella or shrine of Jove to be opened, in which he would remain alone for a length of time, as if he were communing with the god upon affairs of state; and it was observed that the fierce dogs who guarded the approach to the temple against others, never so much as barked at him." [36]

Scipio triumphed B. C. 201, during the consulship of Cn. Cornelius Lentulus, one of his own, the Cornelian, gens, and P. Ælius Pætus, his intimate friend. The pontifex maximus was Publius Licinius Crassus, who had been appointed A. U. 541, or B. C. 213. The apotheosis of Asoka in India and the closure of the Temple of Janus in Rome for 17 years, are both close to the date of Scipio's attempted deification, and may be connected with it; but owing to the alterations in the Roman calendar by Sylla and Augustus, especially by the latter, the order of events cannot be deduced with certainty. Whether Scipio, who was believed to have secretly amassed enormous riches,

[35] There is a curious resemblance between these circumstances and the depleted resources of Macedon under Philip followed by his conquest of the gold mines of Grenidæ, (Philippi). Transl. Q. Curtius, I, 43, 179.

[36] Aulus Gellius, VII, 1; Censorinus, de Die Natale; Herbert, III, 449.

was niggard in his gifts to the ecclesiastics, or because the Roman people were not yet sufficiently ignorant or degraded to accept the imposture, or because they still had a Cato to expose cant and restrain ambition, does not appear; but Scipio's design miscarried. The would-be divinity was accused by Cato with having embezzled money belonging to the state and with having accepted a treasonable bribe from Antiochus III., one of the Seleucidan incarnations. Cited before the public tribunal, Scipio twice attempted to defend himself, by alluding to his previous public services, but this being deemed insufficient, he was charged a third time, when he absented himself on the plea of sickness, and soon afterwards disappeared from public life and the pages of history.

At about the same time that Rome thus attempted to furnish a divinity to Spain, she succeeded in imposing one upon conquered Arcanania and Epirus, A. U. 555. This was Titus Quinctius Flamininus [37], the same who was afterwards employed to murder the aged and defenceless Hannibal, and whose brother Lucius enlivened his banqueting hall and entertained his pathics by ordering his prisoners to be decapitated in their presence. The degraded inhabitants of Chalcis, to appease the truculent Titus, rededicated their Gymnasium to "Titus and Hercules" and the Delphinium to "Titus and Apollo"; they promoted Titus to the rank of a deity, and either they or the Epirotes appointed a priest of Titus to conduct the impious services and sacrifices which they had decreed to him as their new patron saint. They also composed a sacred hymn in his honour, a portion of which the faithful Plutarch has inscribed upon his immortal pages. [38]

After the downfall of Carthage, Rome, whose dominion had hitherto been restricted to Italy and Greece, rapidly became a continental power. Her arms not only extended over Spain but penetrated into Asia; and a number of petty states, whose allegiance had previously been paid to Persia or Greece, now became tributary to the Republic. These circumstances induced Sylla, when he became Dictator and Autocrat of what was now virtually the Roman empire, and therefore the superior Lord over the petty gods of Greece and Asia, to covet for himself a similar exaltation. Sylla was born B. C. 138 and died B.C. 78. The mysterious Ludi Sæculares (a survival of the Indian, Chaldean and Etruscan mythologies, but whose origin and ritual were only alluded to in the sacredly guarded Sibylline scriptures)

[37] The name of Flami-ninus, suggests the Flamen of Ninus and some association with the Chaldean Apollo. [38] Plutarch, in vita, 419-20.

were to recur in the course of a few years. Sylla availed himself of this circumstance to pretend that he was the Sacred Object in whose honour these mystic ceremonies were to be performed. This pretension was supported by the Etruscan augurs, belonging to the temple of Bellona, who interpreted the miracle of a mysterious trumpet-sound from the skies, by saying that it portended a New Age and Regeneration of the World. They remarked that there were eight great ages or cycles; that heaven had allotted to each its time; that this was limited by the cycle of the Great Year; and that when each cycle was nearly spent, the new one was announced by some wondrous sign, either from heaven or earth. The seventh cycle was then passing; the eighth was soon to come. [39] But though Sylla condemned myriads of his countrymen to the sword, he could not bend the minds of his followers to this design; and prudently recognizing its untimeliness, he quietly let it drop, and shortly afterward retired into private life. In aspiring to the godship, he styled himself Felix, the Happy, or the Harbinger of Happiness, and Epaphroditus, the Favorite of Venus; but for all this, the plan would not work. [40]

Quintus Sertorius was born about B. C. 125, of a respectable Roman family of Nursia in the Sabine country, near the head waters of the Arno. [41] He was educated for the bar, but his military qualities having won him distinction in the campaign against the Cimbri, he was offered a command by Marius and took sides with that general in the civil wars that followed. After the defeat of Marius, Sertorius went to Spain, where he raised a force of rebellious Romans and native provincials, with which he kept the field for several years, successfully resisting the arms of Sylla's generals, Metellus and Pompey. It is alleged that in order to augment his influence with the Spaniards, Sertorius pretended that he was the miraculous progeny of the Deity, by the virgin Rhea; and that a white fawn, which always accompanied him, was the agent of communications vouchsafed to to him from heaven, B. C. 78. He appears to have been a member of the Dionysian cult and a believer in the Eleusinian mysteries, for he was allied with Mithridates of Pontus, where that cult was in uni-

[39] Plutarch, in Sylla. Michelet has alluded to this circumstance, only to deprive it of all significance. The eight ages are from the eight gods; the most ancient form of the Etruscan religion.

[40] Plutarch, in vita; Pausanias, III, 66 and 78.

[41] Sertorius was born exactly one ludi sæculares previous to the apotheosis of Augustus. This circumstance derives its significance from the suspicion that the alteration of the Roman calendar by Augustus was anticipated to some extent by Sylla.

versal esteem. (Florus, III, 5.) He was also in communication with the Bacchic party in Italy. Sertorius was treacherously stabbed to death B.C. 73, by the Twelve members of his council or "senate," who upon the instigation of Perpenna had invited him to supper with that object; and thus ended another Roman incarnation. [42] Let us now turn to the Orient.

The *Brahminical* Year of the re-incarnation of Ies Chrishna was B. C. 548, 470, 495 or 485, according as we follow the chronology of India, Augustan Rome, Greek Christian Rome, or Catholic Christian Rome. Gebel-Eisis, or Zalmosis, was "a native deity among the Getæ" of Thracia, who taught the immortality of the soul, gave laws to the Getæ, disappeared in a subterranean abode for three years, was lamented as dead and yet was resurrected and returned to life again. [43] Festivals with human sacrifices were offered to him every fifth year. [44] Gebel-Eisis is probably identical with the Hesus of the Gauls, B. C. 470, which was the epoch of the Druidical 30-year cycles recorded in Pliny. [45] The Gauls (Gallaicans) are mentioned by Herodotus as having "anciently" occupied Samothracian Greece, near the river L'Issus. [46] Their seaport (now inland) was Ismarus. In B. C. 390-85 vast bodies of western Gauls overran Greece, plundered the temple of Delphi and marched in a sort of crusade to their holy land of Maryandynia, where many of them remained. Simon Pelloutier, Hist. Celt., V, 15, Rigordius in L'Escaloperius, Theol. Vet. Gall., X, and André Duschesne, Antiq. des Villes, 292-6, all agree that the Virgo Paritura (the mother of Hesus) was worshipped in Gaul centuries before the Christian æra. A Druidical altar of a remote period showing a bas-relief of Hesus cutting the mistletoe, is now in the Cluny Museum. The Passion flower was also connected with this cult. [47] So was the cross. Diodorus Siculus, who flourished B. C. 44, says the Gauls wore gold crosses on their breasts. [48] The Indian Ies Chrishna, the Thracian Eisis, the Gaulish Hesus, the Herichrishna of Arrian, c. VIII, and the Hesus of Lucan, "Phar.," I, 445, together with Æsar, Esa, Ma-Hesa, and Har-Esa, were evidently regarded by Rev. G. S. Faber, (Pagan Idol.), as the same. The Druidical cult of Hesus was probably introduced into Rome before B. C. 97; for in that year the Senate passed an act forbidding the human sacrifices which were peculiar to that cult.

[42] Plutarch, in vita.
[43] Diodorus, Book I.
[44] Herodotus, Mel., 93-96.
[45] Pliny, N. H.. XVI, 95.
[46] Herod., Polymnia, 108.
[47] Pliny, N. H., XXIV, 63.
[48] Diod. Sic., V, 2.

The *Brahmo-Buddhic* year of the incarnation of Salivahana, or re-incarnation of Ies Chrishna, is A. D. 1, B. C. 78, or B. C. 63, according as we follow the chronology of India, Augustan Rome, or Catholic Christian Rome. Salivahana's celestial father was Iesnu; his putative father was Taishaca, the carpenter; his virgin mother was Maia; his star, the messianic. He was miraculously born on Houli, or Chaitra 1st, which, in the lunar calendar of India, fell on the same day as the Roman Palilia and the Christian Easter. His advent was foretold by the astrologers; it appears in the Cumarica C'handra. He was born in a cottage, among shepherds, but was immediately recognized by seers as the Expected One. His infant head was rayed; his complexion was black; his hair was woolly. He performed numerous miracles, fasted forty days, had twelve disciples, was persecuted by Vicramaditya and, overcoming him, assumed his name. At length he was condemned for his leveling doctrines, and died upon the cross, at the vernal equinox, upon which occasion the sun was eclipsed. He descended to hell, released the condemned, remained there three days and nights, rose again and ascended to heaven. His principal sacrament was baptism; his symbols were the cross and svastica; and his zodion the Fishes.

We shall presently see in what respect and in what manner these incarnations, real or mythical, influenced the history of Rome and through it, that of the Middle Ages.

CHAPTER III.

THE WORSHIP OF CÆSAR.

Deification of Julius Cæsar—Circumstances which led to it—Sacred empires in other countries and in archaic Rome—Example of Alexander the Great—Assumption of divinity by Julius Cæsar—The worship of Augustus as the Son of God was afterwards added to that of Julius—Eventually it superceded it—Sacred titles of Augustus—Temples of Augustus—Priests—Sanctuaries—Altars—Sacrifices—Sacred coins—Month of August—Augustan worship supported by Tiberius—Emperor-worship was the first article of the Imperial Constitution until the establishment of Christianity—After the sacred character of the Emperor was lost, the sacred character of the Empire remained.

SUCCESSFUL or abortive, real or imaginary, all these various incarnations had this to do with the history of the Middle Ages: they prepared the way for, and led up to that Sacerdotal empire, or hierarchy, which was established by Julius Cæsar and Augustus, and whose institutes largely governed the inhabitants of Christian Europe until after the 13th century. In some respects, as we shall see, they govern them yet.

The Sacerdotal empire was not solely due to the Civil wars; it was the natural fruit of all the circumstances of the time.[1] Rome was no longer a small commonwealth of free citizens, rendered more or less equal in rank by a substantial equality of fortune, attainments and political power. It had become a populous and unwieldy empire, composed of many conquered nations and tribes, differing in race, religion, language, history and degrees of social development. The republican constitution, which had sufficiently well fitted the infancy of this state, and which, had the state grown less rapidly, might have been gradually altered to suit its greatly altered manhood, was, under the circumstances, antequated and useless, as a means of repressing disorder, or preserving the peace. This constitution had been overthrown by Marius and Sylla. The Civil Wars had supplemented the existing orders of priests, patricians, plebians and slaves, with what was substantially a new social caste, the equites, or knights—the future farmers of the revenues and the lords of feudal manors. When

[1] "Cæsar is no less under the control of circumstances than we are under the control of Cæsar." Letter of Cicero to Papirius Pætus, dated A. U. 707?

to the already vast territorial possessions of the Commonwealth were afterwards added nearly the whole of Transalpine Europe, and of Asia Minor and Egypt, the republican constitution utterly broke down. The year that saw Pompey invested with the supreme power of the Roman State, added further dignities and privileges to the new order of aristocrats.[2] These developments of caste were sure presages of the Empire.[3]

In both of the last dictatorships all the civil powers of the State had been entrusted to one man, in the hope of securing order and tranquility; in both cases the trust had failed to secure its object. To keep together so vast an empire, to assimilate under one government such heterogeneous populations as had recently been brought under its sway; to command the respect of distant kings; to curb the ambition and repress the avarice of proconsuls who had become mightier than kings; and to conserve the private fortunes that had been carved out of the dying republic; some greater elements of power and authority and some more efficacious means of subordination were required to be wielded at Rome than those which had failed in the hands of Sylla and Pompey. Take, for example, the case of Parthia. This state had formerly been subject successively to the divine monarchs of Media, Persia and Syro-Macedonia: it had emancipated itself from their controul; it had deified its own sovereigns and these had become subject to a Roman proconsul. The involution of heavenly rank therefore stood as follows: the sovereign of Media was a god; the sovereign of Persia was a higher god, because he had overthrown the former one and substituted himself in his place as an object of worship. For a similar reason the Seleucidæ and Arsacidæ were gods, of still higher rank, until we come to Pompey, who was by parity of reasoning the highest of gods, that is to say, the god of gods, because he overthrew the entire succession of these divinities; he was mightier than them all.

The additional powers and discipline which for these reasons were needed to maintain the ascendancy of Rome were found in the pecu-

[2] Dio., XXXVI, 25; Juv., III, 159; XIV, 324; Adams, 21.

[3] So far was Cicero from sharing this opinion that he actually regarded the new order of nobles, when they should unite with the ancient noblesse of the Senate, as an additional guarantee for the permanency and security of the Republic. Cicero, however, as his letters abundantly prove, was a poor politician. Indeed this Upas tree of caste grew so rapidly that, in his second philipic, he was obliged to confess that during his own lifetime he had witnessed the Dictatorship of Sylla, the Lordship of Cinna, and the Monarchy of Cæsar. But even here his vision was very limited; it was not a Monarchy, but an Hierarchy, that had grown up under his eyes. Orat., II. 105.

liar organization and privileges of the Sacred college and in the mysteries of religion. These the ambitious and unscrupulous Cæsar hastened to seize with the office of high-priest and the assumption of sacerdotal powers, which, in proportion as they exceeded the attributes of earthly kings, rivalled those of gods. To this discipline and subordination was added that moral influence which the church alone could wield, the influence of blind faith, of religious myths and superstition, the respect for ecclesiastical displeasure, the fear of committing sacrilege, and the dread of excommunication and anathema. [4] These are elements of power and government which no statesman, in any age, can afford to despise, and which we may feel assured were not permitted to lie unused by so profound a politician as Julius Cæsar. The example of other states may also have contributed to bring about the Roman hierarchy. Hindostan, China, Japan, Persia, Chaldea, Egypt, Greece, Etruria and numerous other states of antiquity had been hierarchies. Archaic Rome itself had been an hierarchy. Gaul was an hierarchy. Many of these hierarchies survived to Cæsar's time, and some of them, although all were decaying, were among the richest and most populous states then in existence.

Cæsar has left us in no doubt with regard to his design. The conquest of India by Alexander had brought anew to the western world the entire flood of Brahminical myths. [5] The eleventh, a supplementary incarnation of Vishnu (zodion of Pisces) was at hand, and Cæsar, (who, among his many gifts, was an accomplished master of astrology,) had evidently determined to become its hero, for he publicly and ostentatiously proclaimed his descent from the goddess Maria or Venus, and attested his official acts with a seal which bore her effigy. Marcus Cœlius, writing to Cicero in A. U. 704, alluded to Cæsar as "our heavenly-descended chief," a proof that such was the character of his pretensions. [6] But there are many more proofs to come. Cæsar's further plans were cut short by the dagger of his friend Brutus, but they are clearly discernible in the constitution which was developed by his adopted son, Augustus, and which, beyond some impairment of the first article, continued to remain essentially the fundamental law of the whole empire, until the Moslem revolt in the seventh century withdrew the eastern provinces from Rome, the revolt of the bishops of Rome in the eighth century withdrew the western

[4] Cicero, de Legibus, II, 7.

[5] It is to these myths, many of which reached the Romans through Assyria, that Tacitus seems to allude by the term "judicial astrology." Annals, II, 27, passim.

[6] Suet, Jul., VI; Dio., XLIV; Melmoth's Letters of Cicero, VII, 7.

provinces, and the Latin conquest of Constantinople in the 13th century destroyed all that was left of the ancient imperial authority.

The first and most important article in the constitution of this empire was the extraordinary one of the Emperor's deification. Both in Spain and Gaul Cæsar must have heard of Hesus, the Messiah, whose effigy stood at every cross-road, whose crosses were worn upon the breast of every warrior, and whose second coming, which had been long predicted by the Druid astrologers, coincided very closely with the period of his own invasion of those countries. Indeed, it is not at all improbable that, like Musa, Pizarro and Cortes, of later ages, he made use of this superstition to represent himself or permit himself to be regarded as the Expected One, in order to render his march of conquest the more easy and rapid. However this may be, it was probably less the imaginary incarnation of Hesus than the actual example of Alexander which afforded to Julius Cæsar the precedent which he followed in his own deification. "When he was in Spain he bestowed his leisure hours in reading the history of Alexander, and was so much affected by it that he sat pensive a long time, and being asked the reason, he said, 'Is it not sufficient cause for concern to reflect that Alexander at my age reigned over numerous conquered countries, whilst I, as yet, have not one glorious achievement to boast?'"[7] Not only the example of Alexander, but the similarity of circumstances, helped to make a divinity of Cæsar. After the battle of Pharsalia the world was at his feet; and among the numerous potentates who were swayed by his nod were many who were themselves gods, and, as such, were worshipped by their degraded subjects.[8]

From Pharsalia Cæsar went to Egypt. He arrived in Alexandria October 6th, B. C. 48, and remained there until the month of March.[9] It was during this interval that, following in the footsteps of the Macedonian conqueror, he permitted himself, on Brumalia, or the winter solstice, A. U. 706, to be deified in the temple of Jupiter Ammon and hailed by its subservient priests as the Son of God,[10] and it

[7] Plutarch, in Julius Cæsar. The official seal of Augustus was an effigy of Alexander the Great. Suetonius, in Aug., 49.

[8] In after times similar empires, whose Asiatic origin is plainly stamped upon their religious remains, were discovered and destroyed by the astonished Spaniards in distant Mexico and Peru. Mr. Bryce (Holy Roman Empire, 251,) notices the resemblance between the sacred empires of the Cæsars and the Caliphs, but omits to mention the most important respect in which they differed, namely, in the deification and adoration of the sovereign. [9] Simcox.

[10] It was customary with the pagan Romans to bestow a new name upon those who were honoured with the rites of deification, as afterwards it was with the Christians to

was in this same temple, after his death and pretended ascension to heaven, (of which more anon,) that Octavius, the Augustus, his adopted son and successor, paid him the reverence due to God the Father. Cæsar returned to Rome through Syria, and on the way he stopped at Piscenus, or Pesinus, in Galatia, the seat of the religion of Maia, Mother of the Gods. Here, if we can place any faith in the accusation which both Cicero aad Brutus assisted to repel, his assassination was planned (though the plan miscarried) by Deiotaurus, the sacred king of the Galatians.[11] However, it was not in Galatia that a tragic and untimely death was destined to overtake him, but in Rome.

The assumption of an heavenly origin entirely changed the character and demeanour of Julius. Upon his return to the capitol he became difficult of access and was rarely seen in public, except when affairs of state rendered it necessary for him to consult with the patricians of the Senate. He placed his own statue on a sculptured horse which had once supported the figure of Alexander the Great. This was in front of the temple of Venus Genetrix.[12] Other statues of himself were placed among those of the gods in the various temples and carried in the processions of the circus. Even these tokens scarced sufficed to absorb that religious fervour and popular reverence for his person and name, which was soon to become the scandal of the provinces and the watchword for assassination in the capital. He was presented with sacred vestments, with a sacred image of himself to be borne in his chariot, with a sacred throne and a sacred bed.[13] To mark the sacred character of his residence it was surmounted by a steeple. This architectural device was an Egyptian symbol of ecclesiastical and sacerdotal authority, the Roman name for which was fastigium. "Divus Julius habuit pulvinar, simulacrum, fastigium,

those who were canonized as saints. On this occasion Caius received the sacerdotal name of Julus, or Julius, really copied from the Indian Houli, but feigned to be taken from Julius, the son of Æneas, from whom his family subsequently affected to trace their descent. In all the earlier works referring to him he is called Caius Cæsar, and sometimes simply Caius. Mr. Higgins has collected many curious observations relating to the name of Julius, which he connects with the festival of Yule and the custom of the Yule-log. Brumalia is from Brouma, or Brumess, one of the names or titles of Bacchus. This deity, whom the medieval monks consigned to revelry and intoxication, was anciently worshipped as the pure, the chaste, the joyous Messiah. He was the Son of God, immaculately conceived by the virgin Maia, or Ceres, sometimes called Semele.

[11] Cicero, Letters, III, 25; Orat. pro Deiotaurus.

[12] Lanciani, "Pagan and Christian Rome," p. 54.

[13] Suet., in Jul., 76: App., Bell. Civ., III, p. 494.

flaminem, etc." The god Julius had shrines, an image, a steeple, priests, and so on.[14] The steeple of the Regia probably also contained a chime of bells like the temple of Jupiter.[15] Speaking of the omens that, it was believed, preceded the assassination of Julius, Plutarch, in his life of that divinity, says, "Calphurnia dreamed that the steeple fell down, which, according to Livy, the Senate ordered to be erected upon Cæsar's residence, by way of distinction."[16] The temples of Julius Cæsar bore the appellation of Heroum Juleum, or Julian chapels, and contained his effigy and that of Venus, Mother of God.[17] "On certain occasions, in the exercise of his high pontifical office, he appeared in all the pomp of the Babylonian costume, in robes of scarlet, with the Crosier in his hand, wearing the Mitre and bearing the Keys."[18]

Of the numerous statues made of him at, or shortly after, this period, but few have survived the devastation of the iconoclasts, or the corroding hand of time. Among them is the magnificent bust, which still adorns the Pontifical palace at Rome. Upon the head of the deity is seen the sacred mantle, or peplum, which marks his heavenly character.

When the tremendous commotion caused by the death of Julius Cæsar had spent itself in civil wars, and in the firm establishment of the Messianic religion and ritual, Augustus ascended the sacred throne of his martyred sire and was in turn addressed as the Son of God, whilst Julius was worshipped as the Father.[19] The flamens of the Sacred college erected and consecrated to the worship of Julius Cæsar a magnificent temple in Rome, and for its services, as well as for those of the provincial temples which might be consecrated to the same god, they organized a body of priests called the Julii, or Juliani.[20] These priests were selected from the most ancient order, the Luperci, of whom Ovid says that they were instituted by Evander,[21] and to which order none could belong but the members of noble families. This priesthood was not abolished until the time of Anastasius Silentiarius in the sixth century;[22] so that as Juliani they

[14] Cic., II Philipic, (Orat., II,106.) [15] Suet., Aug., 91.

[16] Plut., in vita; Pliny, XXXV, 12, s. 45; XXXVI, 5; Paus., 54; and Cic. Flor., IV, 2.

[17] Rev. A. Herbert, "Nimrod," I, 455. [18] Rev. A. Hislop, "Two Babylons," p. 241.

[19] Manilius, "Astronomica," quoted farther on; Ovid, Fasti, III, 155-9.

[20] Dio., XLVII, 18; Dio. Cas., 45; Plut., in Rom.; Virgil, Aen., VIII, 663.

[21] Fasti, II, 279; see also Livy, I, 5.

[22] So says Onuphrius Panvinius, a learned Augustine monk of Verona, 1529-68, the author of the "Lives of the Popes" and other works.

held together from first to last for nearly six hundred years. The first bishop or chief priest of the Julian cult was Marc Antony. [23] No person who fled to a temple of Julius for sanctuary could be taken from it for punishment, a privilege which had never been granted before, not even to the temples and sanctuaries of Jupiter. Except when Augustus caused the son of Marc Antony to be dragged from one and slain, [24] the shrines of Julius were always regarded as inviolable. [25] Under the Triumvirate and during the early portion of the reign of Augustus, the worship of Julius Cæsar and the erection of temples, sanctuaries, shrines and altars consecrated to this worship was carried to all parts of the empire and enforced by precept, example and military power. Upon these altars costly offerings and bloody sacrifices were made. One of the latter consisted of 300 senators and equites, who were coldly slaughtered by order of Augustus upon the ides of March, A. U. 713, on a Julian altar at Perugia, to propitiate the god Divus Julius. [26] Official oaths were formulated in the name of Julius Cæsar, and to violate them was deemed a more heinous crime and punished with greater severity than any other perjury. [27]

The naming of one of the months of the year after the god Julius, which was done during the consulship of Marc Antony, is, by itself, no evidence of his deification; but the practice of other nations, the precedent afforded by the Athenian god Demetrius, the subsequent naming of a month after the deified Augustus, and the fact that the Romans never adopted any names in place of the ancient numerical names of the months, except the names of gods, lends it great significanoe. Many attempts were made to name the months after various emperors who followed Augustus, but they all failed. April was for a brief time called Neronius; May, Claudius; and June, Germanicus. [28] Tiberius, who refused to be deified, or worshipped as a

[23] "As Jove, as Mars, as Quirinus have their priests, so is Marc Antony priest of the god Julius." "Est ergo flamen, ut Jovi, ut Marti, ut Quirino, sic Divo Julio, Marcus Antonius." Cicero, II Philipic.

[24] Suet., Aug., 17. [25] Adams, 264.

[26] Suet., Aug., 15; Dio., XLVIII, 14; Seneca de Clem., I, 11; App. de Bell. Civ., lib., v. This horrible rite celebrated the conclusion of the Civil War, the Ascension of Julius to Heaven and the Advent of Augustus as the Prince of Peace. In the time of Julius Cæsar human sacrifices were only made to Mars; in that of Augustus they were made to Julius the Father.

[27] Dio., XIV, 6 and 50; Tac., Ann., I, 73; Codex, IV, I, 2; Codex, II, 4, 41; Digest, XII, 2, 13; Tertull. Apol., 18; Cicero de Legibus, II, 7.

[28] Tacitus, Ann., XV, 12 and 74.

god, also refused to permit his name to be substituted for November. [19]

In remote times the Roman year was divided into ten months, named Primus, Secundus, Tertius, Quartus, Quintilis, Sextilis, Septembris, Octobris, Novembris and Decembris, the year beginning with the vernal equinox, which was made to fall on the first day of March and the months containing 36 days each. After the adoption of the gods Mars, Aphrodite, Maia and Juno into the Roman pantheon their names were conferred upon the first four months of the year, instead of Primus, Secundus, Tertius and Quartus. This calendar was reformed by the Decemvirs, in the sacred name of "Numa." They divided the year into 12 months with intercalary days and conferred upon the supplementary months the names of the gods Janus and Februus. [20] When Julius Cæsar was deified his name was given to what was originally the fifth month of the year, or Quintilis. When Octavius Augustus Cæsar was deified his sacerdotal name was given to the original sixth month, or Sextilis. [21] The remaining months still bear their ancient ordinal names.

If all other evidences had perished, the names of the months alone would have been sufficient to afford a clue to the worship of Julius Cæsar. The inveteracy of custom, the respect for tradition, the practical inconvenience that arises from changes of any kind, all combine to resist innovation, so that when innovation does occur, as in the case of changed names of the months, it may be tolerably certain that powerful motives or irresistible influences lurk beneath. If such be the case, even at the present time, when intelligence is universally diffused and public opinion is guided by an unfettered press, it may be imagined how much more emphatically it was the case when mankind was steeped in superstition, when every life was in danger, and when innovation had to resist not only the inveteracy of custom, but the mandates of revengeful and absolute power. [22]

[19] In 796, after Pope Leo III. had sent the keys and standard of Rome and other tokens of his submission to Charlemagne, the latter gave twelve German names to the months of the year, but they all fell flat; the people would not accept them.

[20] Brumalia, or the winter solstice, was anciently the first day of the year. Beginning the year a week after the winter solstice was an innovation.

[21] Macrobius, Sat., I, 12, says the change was made in the Senate on motion of the tribune Pacuvius and leaves us the inference that it was done during the lifetime of Augustus. The inference is corroborated by John of Nikios.

[22] Other attempts have been made both in ancient and modern times to change the Roman names of the months, but they all proved abortive.

If the reader is surprised and shocked at the impiety of a religion such as we have described, let it be remembered that the minds of the Romans were prepared for it by the familiar worship of the Lares or the manes of their ancestors;[33] by the depravity which they themselves had ascribed to many of their Homeric gods; by the Messianic incarnations which had gone before, among them that of their own Janus Quirinus;[34] and especially by the nearer incarnations and worship of Alexander the Great, Demetrius Poliorcetes and Titus Flamininus; by the anarchy, bloodshed and brutalizing triumphs[35] and spectacles which civil wars and foreign conquests had recently brought beneath their eyes;[36] by the transcendent services, both military and civil, which Julius had rendered to the State; and by his illustrious descent, his alleged miraculous birth,[37] his brilliant and varied attainments,[38] his extraordinary courage and sagacity, his personal magnetism, his profuse liberality, the magnificence and glamour of his surroundings and the legitimate authority he wielded both as sovereign and high-priest.[39] Even Pompey's triumph had helped to pave the way for the deification of his rival and successor. Among the kings who had paid homage to Pompey was that scion of the Arsa-

[33] Virgil, Aeneid, IX, 255; Tooke's Pantheon, 279.

[34] Julius Proculus swore that Romulus appeared to him and ordered him to inform the Senate that he had been called to the assembly of the gods, and that sacrifices should be made to him under the name of Quirinus. Plutarch, in Rom.; Livy, I, 16. and Dio. Halicar. The figures of Romulus appear clad in the trabea, a robe of state, which implies an ecclesiastical as well as secular dignity. The lituus, or staff of augury, in his hand, survives in the crosier. Bell's Pantheon.

[35] The elation produced by a military triumph was such as to render it necessary to place behind the victor's back, a slave, whose office it was to remind him that he was but a mortal! Pliny, XXIII, 1, p. 4. Was it the victor's elation, or a popular dread of the example set by Scipio, Sylla, and Pompey?

[36] The people of Paris, scarcely over a century ago, worshipped a Goddess of Reason, personified by a beautiful young woman.

[37] Julius Cæsar was born exactly 658 years, less ten years, after the incarnation of Nabon-Issus. This interval was the celebrated astrological cycle or one-tenth of the annualized cycle of the moon's node, which was the proper time for the recurrence of an incarnation. The æra of Mahomet is exactly 658 years, plus ten years after the deification of Cæsar. These differences of ten years may be due to the subsequent alteration of the Alexandrian æra, alluded to elsewhere in this work. The accepted year of Cæsar's birth and that of Mahomet's Flight, were probably both "adjusted" by the astrologers.

[38] "Cæsar had capacity, sense, memory, learning, foresight, reflection and spirit." Cic., II Phil., 45.

[39] "The deified Julius, a most perfect specimen, as well of the divinity of heaven, as of the human intellect." Valerius Maximus, VIII, 2.

cides, whose arrogant line had exacted a worship due alone to the Creator. Pompey, as though persuaded that no one less than a god could receive homage from a god, caused an image of himself, in gold and pearls, to be carried in the most brilliant procession that the world ever saw; leaving his son Sextus to complete the impious pretension which the father had perhaps merely suggested. [40]

The Roman dominion was no longer Italy, no longer Europe, but the earth. At the feet of Pompey 12 tributary kings had laid their crowns; at the tread of the Julian legions the earth seemed to tremble and empires fell to pieces. Love, admiration, respect, veneration, are feelings which failed to express the idolatry of a sensuous and embruted population, toward a being so exalted, so gifted, so brilliant, so god-like, above all, so powerful, as Julius Cæsar, whose slightest word sufficed to condemn a kingdom to destruction, whose merest glance of favour meant fortune, preferment, power, opportunity, livings, endowments, license, satiety, all that men, that hierophants, that nations, coveted. Adoration was alone sufficient to exexpress the feelings of the Roman populace toward him who reigned over the vast empire which they had acquired and the innumerable kingdoms they had enslaved. But a few years later Tiberius was actually upbraided because he refused to be deified and because he persisted in reminding the Romans that he was but a mortal. [41] We may be certain that Julius had little need to command deification; his crime was that he permitted and accepted it.

If, after all these evidences and considerations, the prevalence of this form of anthropomorphism should still excite his incredulity, let th reader turn to a passage in Ezekiel, and read of that prince of Tyre who was rebuked and devoted to destruction, because in his pride he claimed to be a god. Next let him open the Antiquities of Josephus, XIX, viii, 2, and he will learn that Agrippa, the tributary king of Judea, etc., under Claudius Cæsar, appeared at a public festival in Cæsarea in a "garment made wholly of silver and of a texture truly wonderful, and coming into the theatre early in the day, when the silver of his garment, illuminated by the sun's rays, was so resplendent as to send a horror over those who looked intently upon him, his sycophants cried out, some from one place and some from

[40] Among the kings devoted to Pompey, but who survived him, was Deiotaurus of Galatia, whose name also implies the assumption of a divine character. The abbé Lenglet de Fresnoy dates the deification of Sextus Pompey as the "Son of Neptune" in B. C. 37. Chronol., I, 474. Neptune was the god who presided over the zodiacal Fishes.

[41] Tac. Ann., IV, 38.

another, that he was a god, and they added, 'Be thou merciful to us, for though we have hitherto reverenced thee only as a man, yet shall we henceforth own thee as superior to mortal nature.'" Unfortunately for this would-be deity, he was shortly afterwards taken with a colic and died in great pain, perhaps poisoned by some obscure Brutus of Judea. [42]

It is not necessary to account for such a worship by recalling the depravity of the age. A country could be named where similar depravity exists to-day, yet where there is no worship of the reigning sovereign. It was due to faith, habit, custom, example, in short, to the fact that the Romans lived nearly two thousand years nearer to the Brahminical myth of the Incarnation than we do. Our task is to relate the historical fact; we leave to others the less invidious burden of its explanation; only let them take heed, in such explanation, of other phases of religion; of the Hanging Fakirs, the Stylites, the Chainwearers and Grasseaters of the imperial æra; of the Agapemonæ of England, the Shakers and Mormons of America, and the other strange rites or beliefs that mankind have practised or endured. [43]

[42] This story of Agrippa, or Herod, is briefly told in Acts XII, 22, where the scene, however, is changed to Tyre. The following example of human-worship belongs to the present time:

Calcutta, June 20, 1894.—Yesterday the Queen's statue at Madras was smeared (annointed) with Hindu religious marks on the forehead, neck and breast. The police inquiry has resulted in the opinion being expressed that it was the work of a Hindu who desired to worship the statue. This is not the first time that such a smearing (annointing) has taken place. Some time ago a carpenter was caught in the act of decorating the statue with garlands, and marks similar to those now found were detected on that occasion. He said that he was worshipping the Great Maharanee, who, he hoped, would protect him and give him plenty of work. The Inspector of Police, in whose division the statue is situated, says that he himself has noticed people burning incense, breaking cocoanuts, and prostrating themselves in worship before it. Correspondence London Times.

[43] See my Essay on "The Druses of Galilee." Materials for a history of the Druses will be found in Ezekiel, Josephus, Pausanias, De Sacy, Didron, Churchill and other works. The Jezites, an ancient "Christian sect" in Persia, are described by Noël, article "Jezd." The Stylites, Grasseaters, and other "Christian" sects of a later period are mentioned in most of the early ecclesiastical "histories." The Galilean Chainwearers are described by the Emperor Julian, in the fragment preserved by Cyril of Alexandria. A modern incarnation of the deity in the kingdom of Ava is mentioned by Upham. A re-incarnation of Salivahana was to "come off" in 1895. So late as 1781, Sir William Hamilton, the English ambassador to the Court of Naples, found that phallic symbols were publicly worshipped in the Christian churches of Isneria and Daniano. Meredith's pages are crowded with evidences on this subject. The images of the Sibyls were retained in the Christian church of Sienna. Bell's Pantheon, II, 237. The Agapemonæ was an English Christian sect of the present century, whose abominable rites are alluded to by the Rev. Mr. Baring-Gould. For the blasphemous monkish tale of the marriage of St. Dunstan's mother to the Almighty, see Brady's Clavis Calendaria, I, 388.

As in the case of other successful deifications or apotheoses, that of Julius Cæsar was made the beginning of a new æra. This one began with the date of his deification in the temple of Jupiter Ammon, on the winter solstice of the year B. C. 48. As it coincided closely with the date of the battle of Pharsalia, Tacitus and other pagan dissenters from Julianism, who could not change the æra, called it, or have been made by their redactors to call it, the æra of that battle; and as it also coincided within a year or two of the alleged freedom of Antioch, the Christian monks, who could not change it, called it by the name of that event. As such it was employed by the putative Evagrius, in the sixth century, and explained away by Pope Gregory XIII. in the 16th century. [44]

Even after the deification of Julius was ratified by the senate of Rome, two years later, the Julian æra was reckoned from the original deification, and, as such, it was introduced into all parts of the empire, with, possibly, the exception of Antioch, for this exception is by no means certain. This subject, as well as the absence of all mention of the Christian æra by the Christian writers down to the pontificate of Gregory II., has received attention in another place.

The worship of Divus Julius was encouraged and supported both by the Triumvirate, who assumed the government of the Roman world after his death, and by Octavius, the Augustus, who succeeded the Triumvirate. Nay more, Augustus had the address to cause his own worship to be added to that of Julius. The latter was now impiously addressed as the Supreme Being, the former became the Son of God, and as such he is announced upon his coins and other monuments. But this did not last long. Even the Son of God did not appear to be a title sufficiently exalted to suit the devotees of the Augustus; and in numerous contemporary inscriptions, both in Rome, Greece and Asia, he is termed Deos, or Theos, which means not the Son of God, nor one of the gods, but the living god, the Creator, Optimo Maximo. However, Divus Filius, Æsar and Quirinus seem to have been the titles by which Octavius himself preferred to be called.

[44] Says Gregory: "Antioch, in honour of the emperor, fixed its æra in Caius Julius Cæsar and made this year of grace, the first." "Works," London, ed. 1665, p. 156, cited in Evagrius, note to II, 12. The Holy father then admits some instances of its use (as though such instances were rare) and ascribes its adoption to the free prerogatives of the city, secured to it by Julius Cæsar. If the granting of such freedom to cities was sufficient to cause a change of the æra it may be asked why is it that Antioch stands almost alone in this respect, and why is it that nearly all other æras are those of pretended incarnations or deifications, and not of freedom conferred upon cities?

The worship of Augustus was not, as the ecclesiastical schools have insinuated, a mere lip-service, a meaningless mode of saluting the sovereign-pontiff, an effusive form of adulation or flattery to the emperor of Rome; it was the worship of a personage who was believed to be supernatural, omniscient, all-powerful and beneficent, the reincarnation of Quirinus, the Son of the god Apollo and of the wife-virgin Maia;[45] the god whose coming was foretold by the Cumæan Sibyl; whose sway was to extend over the whole earth; whose Conception and Birth were both miraculous; and whose Advent was to usher in the Golden Age of Peace and Plenty and to banish Sin forever. Such was his character in Rome. In Greece he was worshipped as Dionysos; in Egypt as Thurinus; in Iberia and Gaul as Æsar, or Hesus; and in Germany as Baldir; for all of these titles and many others will be found on his monuments, or have been preserved by his biographers.

The most effective reply that can be made to those historians who have ignored the worship of Augustus—and who, when they have not concealed its evidences, have passed them over, or sought to belittle them—is to read a letter from one of the worshippers of this god, written from Tomis, a Roman outpost, near the mouths of the Danube[46] addressed to Græcinus, in Rome, and dated, according to our chronology, A. D. 15, or shortly after the death and Ascension of Augustus. The writer of this letter was no less a person than the poet Ovid, or Publius Ovidius Naso, a nobleman of the equestrian order, then 58 years of age and, as his other writings testify, in the full possession of his faculties.

"Nor is my piety unknown: this distant land sees a shrine of our Lord Augustus erected in my house. Together with him stand his son and wife (his priestess), deities scarcely less than our Lord himself . . . As oft as the day arises, so often do I address my prayers to them, together with offerings of frankincense. Shouldst thou enquire, the whole of Pontus will confirm my words, and attest my sincerity; nor is my religion less known to strangers . . . Though fortune is not equal to my inclination in such duties, I willingly devote to this worship such means as I command . . . Cæsar. Thou, who art summoned to the gods above, thou too, from whom nothing can be concealed, thou knowest this to be true!

[45] For Maia, Atia, etc., see the author's monograph on "The Mother of the Gods."

[46] The Danube was originally called the Issus; afterward, the Matous. Malte-Brun's Geog.

In thy place among the stars, fixed in the arch of the skies, thou hearest my prayers, which I utter with anxious lips!"

This evidence does not stand alone. Throughout all of Ovid's Letters, of which 36 remain to us, throughout all of his Elegies, of which 50 remain, throughout all his Fasti, of which six entire books remain, he repeatedly addresses the then living Augustus as God, or the Son of God, the Great Deity, the Heaven-born, the Divine, the Omniscient, the Beneficent, the Just, the Long-suffering, the Merciful God. It may serve the purposes of perversion to explain this away, it may afford a refuge for obstinacy or delusion to dismiss it with affectations of incredulity or contempt; but this is no answer to the fact; for fact it unquestionably is, not alone upon the testimony of Ovid, but upon that also of numerous other intelligent, respectable and even illustrious witnesses, that is to say, the testimony of Virgil, Horace, Manilius, Pliny, Suetonius and others. What is insisted upon is that, Augustus Cæsar, by his contemporaries, was believed to be, and was actually worshipped as a god; with bell, book, candle, steeple, frankincense, rosary, cross, mitre, temples, priesthood, benefices and ritual; in short, with all the outward marks of superstition, credulity, piety and devotion. There is nothing impossible about this; and the evidence of this worship is so valid, circumstantial and overwhelming, that to refuse assent to it, is to put reason out of court altogether. The witnesses are not phantoms, the wild creations of credulous minds; their writings are not anonymous patchworks, undated, unlocated and unsigned; they do not stand unsupported by archæology, inscriptions, coins, calendars, or popular customs; on the contrary, they are corroborated and buttressed by all these classes of evidence. The witnesses are men of reputation, their writings are among the masterpieces of the world, which it would be impossible to imitate and difficult to alter without detection, whilst the monuments which support them are numbered by myriads and found in every conceivable locality, from the Roman slabs in the mosque of Ancyra, to the coins rescued from buried Pompeii; both of which, as well as a vast number of other inscriptions and coins, proclaim the divinity and universal worship of Augustus throughout the Roman world.

And mark this: that in actual history great events do not occur alone. They appear neither unheralded nor unsung. Minor events start forth to presage them; others proclaim their occurrence; still others attest and exalt their significance; whilst a numerous progeny of facts remain behind to corroborate their appearance upon the

world's stage and to definitely mark their æra. The presages of the Augustan incarnation were the previous assumptions of divinity by Alexander the Great, the Ptolemies, the Selucidæ, Demetrius Poliorcetes, the Arsacidæ, Titus Quinctius Flamininus, the abortive attempts of Scipio, Sylla, Sertorius and Pompey, and the successful one of Julius Cæsar. It was the bestowal of Cæsar's empire, Spiritual and Temporal, upon his adopted son Augustus, that directly led to the worship of the latter. The assumption of divinity by the various sovereigns and heroes mentioned, are historical facts which no amount of sophistry can belittle or set aside; they are the historical circumstances that presaged and led up the worship of Augustus. In false history and false philosophy there is no such evolution. Take for example the incarnations of Nebo-Nazaru, Hesus and Salivahana. What preceded these fictions? Nothing. What accompanied them? Nothing. What followed them? Nothing, but other fictions. What evidences of their occurrence exists within two hundred years of the time assigned to them? None whatever. What valid evidence, at any time? None at all. They were myths of the cloisters, unconnected with any real event, fabricated centuries after the date assigned to them; and supported only by forgery, imposture and alterations of the calendar.

When the tremendous commotion caused by the assassination of Julius Cæsar had spent itself in civil wars and in the firm establishment of the Messianic religion and ritual, when Actium was won, and Egypt and Asia were reconquered, Augustus ascended the throne of his martyred Sire and was in turn annointed, addressed and worshipped as the Son of God; whilst Julius was tacitly worshipped as the Father. Most of the ancient books were now destroyed; the writers of the old school were executed or banished; the republican calendar was altered; and a conclave of historians and mythological poets was encouraged and rewarded, who re-wrote the history of Rome and erected for posterity a body of elegant fiction and imposture, which nineteen centuries of time have not yet sufficed to wholly overthrow or eradicate.

These statements are not mere opinions; they are based upon evidences so valid, so numerous and so convincing that they would triumphantly withstand the severest scrutiny of a court of law.

According to the received chronology, Cæpius, or, he who was afterwards called Caius Julius Cæsar Octavianus, and still later the Augustus, was born September 23, A. U. 692, began to reign February 26, A. U. 711 and died August 29, A. U. 768, aged 76 years

lacking one month. [47] He was the son of Maia, as she was called by Horace and the inscription at Lyons, while Suetonius says her name was Atia, a niece of Julius Cæsar. His putative father was Caius Octavianus; a citizen of Rome and the son of a baker. At the age of four years Augustus lost his father. He was then adopted by Phillipus and afterwards at the age of puberty by Julius Cæsar, as his

[47] The chronology is based on the dates which appear in the Testament of Augustus, engraved on the walls of his temple at Ancyra. According to Mr. John M. Kinneir's "Journey through Asia Minor," ed. 1818, p. 70, this monument has been tampered with, therefore until the dates are corroborated by some valid monument, as yet not exposed to the work of forgers, they must not be regarded as conclusive, especially as Josephus says that Augustus died at the age of seventy-six, while Eutropius, VII, 8, says that he died at the age of eighty-six. The monument says "I am now in my seventy-sixth year," which, if Josepus is right, was the year of his death. Of course this is possible; but in view of the testimony of Eutropius and Kinneir, it looks suspicious. The Ancyran monument says that Augustus was nineteen years of age when Hirtius and Pansa were consuls and when—after their mysterious death during the same year—he got his first consulship. This was the year following the assassination of Julius Cæsar, or (by our chronology) A. U. 711. As it is from this year that the reign—not the Advent, nor the Apotheosis, nor the Ascension, but the reign—of Augustus is commonly reckoned and, as according to Josephus, he died at the age of seventy-six years, therefore he died in 768 and was born in 692. If the student will take the trouble to compare these dates with those in any modern date-book, he will observe several discrepancies and he will have to choose between the monument and the chronologists. Suetonius says that Augustus was born the day when the conspiracy of Catiline was debated in the Senate, but this does not help us, for the year of Rome is wanting, as indeed it is in most of the ancient works which have been submitted to the scrutiny of the Sacred College. Josephus evidently counts Augustus' reign from February 26 of the year, when, according to Tacitus, Hirtius and Pansa were consuls. As it does not appear that Augustus succeeded Hirtius and Pansa on February 26, Josephus probably derived this particular day from that of the Apotheosis of A.U. 738. This last was the New-Year day of the Augustan Aera, which was observed during the lifetime of Augustus, but was afterwards superceded by an æra, the year, (not the day,) of which, was counted from the Ascension. It will be observed that Eutropius, Josephus and the Treatise on Oratory which is commonly ascribed to Tacitus, all count the reign of Augustus from his first consulate, or, which is practically the same thing, from the deaths of Hirtius and Pansa. Although Augustus does not claim so much in his Testament, he begins its chronicles at the same time. Strictly speaking, he was at that time a consul of the republic, and that, too, with Pedius for his colleague. The Triumvirate had yet to be formed and dissolved; Greece, Africa and Asia had to be conquered; and the empire organised. Until these objects were achieved Augustus did not reign; and when he did reign he was careful rather to claim less than more authority than he had really acquired. With regard to his Aera, there is no evidence that it was employed earlier than his return from Syria and the celebration of the Ludi Sæculares and Ludi Augustales. The date, February 26, is from the "six months and two days" of Josephus, reckoned backward from the day of Augustus' death.

own son. When Cæsar was assasinated, Augustus was still in his teens. When, in accordance with the Treaty of Brundusium, Augustus divided the world with Marc Antony, giving to the latter the Eastern, and retaining for himself Rome and the Western Empire, he had but barely attained the age of manhood. After the departure of Marc Antony, one of the first acts of Augustus was the destruction of Perugia, a city which refused to acknowledge his authority. The fall of this place was followed by the sacrificial Placation of Julius the Father. In this atrocious rite, some authors allege that the consul, Lucius Antony, (brother of Marc) besides Cannutius C. Flavius, Clodius Bithynicus, and the principal magistrates and council of Perugia, together with 300 senators and knights, were immolated as human sacrifices, upon an altar of Julius, erected for the occasion. [48] The greater part of the abominable auto da fé was executed in the presence of Augustus himself, whose only reply to those who implored and shrieked for mercy, was: "You must die."

Let those who contend that the worship of Julius and Augustus was merely a form, ponder over this horrible event. So soon as the gruesome business was over, Augustus prepared for his own elevation to the godship. Such of the ancient literature as was not destroyed, was perverted, the Sibylline books [49] being among those preserved, because they were found to contain the prophecy of his Advent, which, according to the subservient interpretation of Virgil, was to occur this same year, that is to say, in the consulate of Pollio, A. U. 713, when the world would be at peace, the temple of Janus closed, and the Golden Age would begin. Unfortunately for this pretty scheme, Marc Antony, grown jealous of Augustus, made war upon him; and the temple of Janus had to be re-opened; so that the god of the Western world was fain to postpone his intended elevation until the god of the East was subdued. The memorable victory of Actium was won in A. U. 723. It was in this year that Herod is said to have paid a relief of 800 talents to Augustus, who confirmed him, for the second time, in his vassal kingdom of Judea; an act, which the Ro-

[48] Suet., in Aug.

[49] There were ten Sibyls and ten books and ten decemviri to take charge of them. In Roman legend the books are mentioned in connection with Tarquin the Proud; in Roman history they first explicitly appear in the consulate of Lucretius, A. U. 292, although they are alluded to as nothing new. Livy, I, 7; III, 10; V, 13, etc. In the Augustan age it was pretended that they had been destroyed during the Marsic war A.U. 670, whereupon new copies were collected from the Sibylline oracles throughout the empire and deposited by Augustus under the statue of Apollo on the Palatine Hill. Suet., Aug., 31; Dio., 17.

mans called "the Grace of God," but which the Jews attributed to bribery at court. In the following year Augustus entered Asia and Egypt at the head of an immense army; when Antony and Cleopatra, in despair, committed suicide. In this year the conqueror pretended to have opened the Suez Canal and thus placed Rome in direct communication with India; whereas, it was in fact done several years previously by Julius Cæsar; although in the meanwhile the canal may have filled up with sand and have required dredging. The monument of Ancyra asserts that in his seventh consulate Octavius was recognised as the Augustus, or Holy one; a statement that agrees with Censorinus, who says that he received the title of Augustus in A. U. 726. This was probably true as to the Orient, but it does not appear that the title was assumed in Rome until the year known to us as A. U. 738. [50]

In A. U. 730 Herod is said to have rebuilt the temple of Jerusalem and dedicated it to Jehovah. In the upper city he erected another edifice of greater magnitude, which he called the Cæsarium, and dedicated it to Augustus. He also built a temple to Augustus in Strato's Tower, "which," says Josephus, "was excellent, both for beauty and size; and therein was a colossal image of Augustus, not less than that of Jupiter Olympus, which it was made to resemble." Herod rebuilt Samaria, renamed it Sebastos, the Greek form of Augustus, and erected therein a temple to the worship of that god. Indeed he repaired many places and erected temples and statues of Augustus in them, and called them Cæsarea, Augusta and the like. In the 192nd four-year Olympiad, answering to A. U. 745, Herod even went so far in his homage of Augustus, as to revive the panageia of Jasius, or the fifty-months each of 36 days, or five-year

[50] According to the monument at Ancyra, which was erected after Octavius had been consul 14 times, imperator 20 times and tribune 38 times, therefore according to our chronology, after A. U. 762, Octavius had been named Sebastos (at least in the Orient) in his sixth consulate. According to the chronology which has been supplied to us, this was in A. U. 724; yet Eutropius, VII, 8, says that Augustus returned to Rome in the 12th year from his first consulate, which agrees with A. U. 723. Censorinus says the title of "Augustus, D. F.," was conferred by the Senate, January 16, in the year of his seventh consulate, when his colleague was M. Vipsanius Agrippa, Cos., III. This answers to our A. U. 725, or 726; so that, like Julius Cæsar, Octavius appears to have been deified in Egypt first, and in Rome two years later. Some authors make a difference of three years between these dates. The Roman deification seems to have been immediately followed by the Triumph and the Sæcular games of A. U. 738 (Censorinus), yet there are 14 or 15 years between the two dates, during which the history of Octavius is barren of events.

Olympian games and to call them "Cæsar's games." For the expenses of their observance he devoted certain revenues in perpetuity. (Josephus, Wars, xxi.) His coins were stamped with the Buddhic or Osirian sacred monogram ☧ which was afterwards appropriated by the medieval historians of Christianity.

After the subjection of Egypt, Augustus, at the head of vast forces, visited Tyre, Sidon, Samos, Ancyra, Cyzicus and other places in Asia; in all of which he received a homage due alone to gods. To crown these supernal triumphs, he recovered from the Parthian king, Phraates, the Roman standards, captured years before from Crassus: and thus relieved the arms of Rome from the only stain that rested upon them. According to the Ancyran inscription, Augustus returned from Syria to Rome during the consulship of Q. Lucretius Vispillo. The day was afterwards celebrated as Augustalia, October 12. The chronologists place this consulship in A. U. 737, whereas Eutropius says that Augustus returned 12 years after his first consulship: a discrepancy of 14 or 15 years. The conqueror brought with him the acknowledged empire of the world. He was therefore fully prepared to assume that divine elevation for which every preparation had been made during his absence from the capital.

According to the chronology arranged for the occasion, it was just seven cycles, each of 110 years, from the apotheosis of Romulus, by whose sacred name of Janus Quirinus, Augustus desired himself to be called. The pretension was that Augustus was the reincarnation of Janus Quirinus, or Romulus; therefore, the temples erected to his worship in the west were commonly dedicated to Augustus and Roma; the images of the latter being merely those of a beautiful matron. With the street effigies of Augustus, of which Ovid informs us there were a thousand in Rome alone, the members of Augustus' family, the Holy Family, as Ovid calls it, namely, his wife, Livia, and one of his adopted sons, Drusus—both of whom were canonized—were sometimes associated. Many of these effigies continued in use for centuries, and some of them are possibly doing service yet. From the year of the apotheosis, that is to say, A. U. 738, began a new æra. It was in this year, says Lenormant, that Augustus assumed those rights of coinage which ever afterwards remained the prerogative of the sovereign-pontiff. [51] The new year day of this æra was originally February 26. This was eventually altered to December 25.

[51] It was in A. U. 738 that Augustus assumed those rights of coinage which ever afterwards remained the prerogative of the sovereign-pontiff. Lenormant, II, 214.

Except in the Iberian peninsular, where the custom of employing the Julian æra prevailed down to a recent period, the Augustan æra, since masked under other names, served for the dates of the Roman world, until some time after the reign of Justinian II., when, without any unnecessary disturbance of recorded dates, the years, which were formerly reckoned from A. U. 738, were reckoned from A. U. 753.[44] When the chronology of the Augustan period is closely examined it will be found to have been altered by the Latin Sacred College to the extent of 15 years. Proofs of this alteration of the calendar appear upon examining the Timæan and Ciceronian æra of Romulus; the dates of the Ludi Sæculares given by Censorinus; the erroneous æras ascribed by modern chronologists to Augustus' principal Triumph; the conflicting dates ascribed to the consulates of Augustus by Suetonius and Eutropius, or inscribed on the monuments at Ancyra and elsewhere; the dated coins of Rome and its provinces; besides other circumstances, which it would be tedious to rehearse in this place.

To prepare for the Apotheosis of A. U. 738, the Augustan historians and poets—bearing in mind the slaughter of Perugia; the ungrateful murders of Cicero and Lucius Antony; the tragic death of Marc Antony and Cleopatra; the mysterious banishment of Ovid; the condemnation of Afidius Memla, and many other similar circumstances—now tuned and struck anew their mendacious lyres. Let us listen to some of their strains, first disposing of the too premature pæans of Virgil, which he sang in his Fourth Eclogue:

"The last Great Æra foretold by the Cumæan Sibyl is now arrived; the Cycles begin anew. Now returns the Golden Age of Saturn, now appears the Immaculate Virgin. (This was Maia, the virgin mother of Augustus). Now descends from Heaven a divine Nativity. O! chaste Lucina, (this was the goddess of maternity), speed the Mother's pains, haste the glorious Birth, and usher in the reign of thy Apollo. In thy consulship, O! Pollio, shall happen this glorious Advent, and the great months shall then begin to roll. Thenceforth whatever vestige of Original Sin remains, shall be swept away from earth forever, and the Son of God shall be the Prince of Peace!"

As before intimated, this strain was sung too prematurely, and the battle of Actium had yet to be fought and won before the Messianic and Apotheosis project could be realised. Meanwhile no glorious Advent is recorded, no great months began to roll, no Great Æra was commenced, no Cycles were renewed, the peace was postponed,

[44] See Appendix on "Chronology of Augustus."

the temple of Janus was reopened, and Original Sin has retained its place in the liturgy of the Roman church to the present day.

The Pollio alluded to in this Eclogue was Caius Asinius Pollio, born A. U. 678, died A. U. 757, an orator, poet, historian, politician, warrior, governor of Gaul, courtier and time-server. He was with Julius Cæsar when he passed the Rubicon and again at Pharsalia. Pollio was named as consul with Cn. Domitius Calvinus, for the year 713, but, although the year goes by their names, such was the confusion of the times that neither of them actually filled the consular chair. After the death of Cæsar, Pollio took sides with Marc Antony, but, either from the desperate circumstances of the latter or because he was bribed with the consulship, Pollio, before the slaughter of Perugia, went over to Augustus. It was he, who, introducing Virgil to Mæcenas, procured for the poet the restitution and enlargement of his landed estates and earned for himself the immortality conferred by the mention of his name in the Eclogues. His own works, of which there were several, have all disappeared. The capitulation of Perugia, the holocaust of human victims sacrificed upon the altar of Julius the Father, the Treaty of Brundusium, and the departure of Antony for the east, all occurred during the nominal consulship of Pollio, and they marked both the advent of Augustus Cæsar and the assumed restoration of peace to the Roman world. [13]

We now begin with the literature of the triumph, deification and Apotheosis, which followed Augustus' return from Asia. In pursuance of the astrology which Rome had gathered from Etruria, Greece, Pontus, Galilee, Syria, Egypt, Spain and Gaul, indeed from every source whence came the heterogeneous materials which now composed her military forces and her millions of slaves, it was necessary to show that the Incarnation was connected with previous incarnations; that it occurred at the beginning of a new divine cycle; that it was the issue of a divine father and mortal mother; that the mother was a wife-virgin; that the birth happened at the end of ten solar months; that it occurred in an obscure place; that it was foretold by prophecy or sacred oracle; that it was presaged or accompanied by prodigies of Nature; that the divinity of the child was recognized by sages; that the Holy One exhibited extraordinary signs of precocity and wisdom; that his destruction was sought by the ruling powers, whose precautions were of course defeated; that he worked miracles; that he exhibited a profound humility; that his apotheosis would

[13] Appian, de Bell. Civ.; Dio. Cass.; Livy, Ep., 126; Suet., in Aug.

bring peace on earth, and that he would finally ascend to heaven, there to join the Father. Accordingly, the Augustan writers furnished all these materials.

The first day of the Apotheosis, February 26, was that of the Nebo-Nazarene nativity; whilst the year was that of the Ludi Sæculares, dating from the Apotheosis of Romulus. Suetonius tells us concerning the Nativity that Atia or Maia having, in the absence of her husband, gone to the temple of Apollo at midnight, there fell asleep; and in that condition was approached by a serpent. Upon awakening, she seemed, for reasons stated by the chronicler, to be aware of what had happened. In the tenth month she was delivered of Augustus, who became known as the Son of the god Apollo. The birth occurred in Velitre, a village some twenty miles from Rome, and in a small and humble cottage, which ever afterwards was held Sacred. Even the owner of the house, having incautiously approached it, was blasted by lightning from heaven. The birth of Augustus was foretold not only by the Cumæan Sibyl, it was predicted by a divine oracle delivered in Velitre and by a prodigy that had happened publicly in Rome five or six months before the Nativity and was the occasion of the intended Slaughter of Innocents presently to be mentioned. Before the Nativity, Maia dreamt that her body was scattered to the stars and encompassed the universe. After the Nativity, Octavianus, her earthly husband, dreamt he saw the bright beams of the Sun emanate from her person; and when he sacrificed, where Alexander the Great had formerly sacrificed and had seen a miracle, namely, at a temple of Dionysius or Bacchus in Thrace, Octavianus saw a similar miracle: a sheet of flame ascended from the altar, enveloped the steeple and mounted high to heaven. On the following night Octavianus dreamt he saw the Infant Augustus grasping the Thunderbolt and wearing the Sceptre and Robe of Jupiter, his head surrounded by a radiance of glory, and his chariot decked with laurel, while yoked to it were six steeds of purest white. When, before the Nativity, the divine oracle at Velitre predicted that "Nature was about to bring forth a Prince over the Roman people," the Senate passed an Act, A. U. 692, ordering that "No male child born that year should be reared or brought up." Thus, every boy born within the Roman pale was devoted to destruction, and a frightful Slaughter of Innocents would have ensued, had not those who expected children, removed the tablets of the law from the walls of the ærarium; and thus defeated the atrocious edict. When the sage and astrologer, P. Nigidius, learnt that Atia had been delivered of Augustus, he

openly proclaimed that the Lord of the Universe was born. While Augustus was yet an infant, he arose from his cradle at night and next morning he was found upon the roof of the house, facing Apollo, or the rising Sun. On the city side of the house a multitude of frogs maintained a deafening clamour. So soon as Augustus was old enough to speak, he commanded these animals to keep silence, and from that moment they were completely hushed.

When, at a later period, Augustus went with M. Vipsanius Agrippa to the study of Theogenes, the astrologer, at Apollonia, and there divulged the hour of his nativity, Theogenes fell down and worshipped him as God, (adoravitque eum). [84] At a later period he was worshipped by Lepidus, the Pontifex Maximus of Rome. [85] Among the miracles that Augustus wrought, his merest touch was sufficient to cure deformity or disease; and so universally was his divine origin and attributes acknowledged that many people, in dying, left their entire fortunes to the Sacred fisc, in gratitude, as they themselves expressed it, for having been permitted to live during the incarnation and earthly sojourn of this Son of God. Suetonius (Aug. 100) informs us that in the course of twenty years private individuals bequeathed to Augustus no less than 35 million aurei, equal to about 40 million sovereigns or half-eagles of the present weight and standard. In addition to these legacies, numerous vassal princes left their entire patrimonies to this Messiah.

To evince his humility, once a year, Augustus, veiled in the sacred peplum, stood at the porch of the Regia and received alms from the pious. His Apotheosis not only brought profound peace to the Roman world, so that the temple of Janus was permanently closed, it marked a new Æra. At his death, concludes Suetonius, "there was not wanting a person of prætorian rank who saw his spirit ascend to Heaven." The name of this privileged witness was the senator Numericus Atticus. The Ascension of Augustus is engraved upon the great cameo, from the spoils of Constantinople, presented by Baldwin II., to Louis IX., and now in the Cabinet of France. A facsimile of it is published in Duruy's "History of Rome."

Having thus briefly sketched the history of the Augustan worship, it is next in order to call those contemporary witnesses who attested this worship, or who sang its praises. We have already heard Ovid, Virgil and Suetonius. We will now turn to a later work of Virgil; and also to Horace, Manilius, Tacitus and others.

[84] Suet., in Aug. The Roman term for astrologer was "mathematician."
[85] Manning's Xiphilinus, 1, 114.

Says Virgil (Æneid VI, 789-93):

This is Cæsar and the Holy Family
Spanning the spacious axle of heaven,
This is He, whom thou hast oft heard promised thee,
Augustus Cæsar, Son of God, who
Shall restore the Golden Age to Latium.

Says Horace (Book I):

"Come we entreat thee, Divine Apollo, thy brilliant shoulders robed in clouds . . . Kind Maia's wingéd Child, if with change of shape thou dost take on earth the form of a Youth, deigning to be styled the Avenger of Cæsar, late mayest thou return to Heaven."

Again:

"Father and Guardian of the human race, mayest thou (great Jove) reign with Augustus, thy second in power . . . Inferior only to thee, He shall rule with equity the wide world."

And as if not satisfied with these expressions, Horace elsewhere adds that of "Præsens divus habebitur Augustus": We have with us, the living god Augustus.

Listen to Manilius, (Astronomica, I, 7-10:)

"It is thee, Augustus, thyself a god, and the Prince and Father of his Country, who by divine law reigneth over the universe, and who awaiteth his place in heaven with the Father, who inspires me to sing these sublime themes."

Again, (I, 773-5:)

"The Julian family sprung from Venus and descended from the skies, returns again to heaven, where reigns Augustus with Jupiter the Father." [56]

Were it necessary, these testimonies could be greatly multipled; but they would fatigue the reader. The temples at Ancyra and Ephesus, besides myriads of coins and inscriptions, still extant, hail Augustus as Divus Filius, or the Son of God; the medal published by Father Hardouin in his work on Ancient Coins, pourtrays the pontifical hat of Augustus surmounted by a Latin cross; whilst Horace and some of the inscriptions allude to the god as the Son of Maia, who, as we know, was universally recognized as the Mother of God. [57]

Coveting deification, Augustus neither commanded himself to be deified, nor to be worshipped; but with the prudence and deviousness that characterized all his measures, he munificently rewarded those

[56] It did not appear to present any difficulties to the Roman mind that the Augustus should have been successively regarded as the Son of Julius the Father, Apollo the Father and the coadjutor of Jupiter the Father. Historical incarnations are far more intractable than mythical ones, and demand a much larger degree of credulity on the part of the worshipper.

[57] At Lyons a temple was erected to Mercurio Augusto et Maiæ Augustæ. Duruy's Hist. Rome.

who set the example of addressing and worshipping him as the Supreme Being; whilst he heavily and cruelly punished those who neglected this impious homage. Arminius complained to his soldiers that the Romans had made Augustus a god. This was not strictly correct: Augustus had made himself a god; as Scipio and Sylla had attempted to do, and as Titus Flamininus, Sertorius and Julius Cæsar had actually done, before him.

By securing and uniting in his own person the tribunitian, consular, censorial and sacerdotal functions; by suppressing the quæstors; and by taking the appointment of the prætors into his own hands, Augustus stealthily and noiselessly secured all those powers of the state which Julius had grasped with ruder hands, but had suddenly lost at the foot of Pompey's statue. These usurpations having been confirmed by a trembling senate, Augustus was raised almost in fact, as well as in name, to that deified rank which Julius had established, but so briefly enjoyed.

With the consular power Augustus acquired lawful command over the army, navy and militia, lawful control over the provinces and the right to deal with tributary or vassal kingdoms; with the censorial power and the suppression of the quæstors he obtained control of the tithes and other revenues, the administration of the treasury, the construction and repair of public works and the right to enquire into the private affairs of citizens, both by confession and otherwise; the last a most potent instrument of tyranny. With the acquisition of the tribunitian power his person became Sacred and his decrees Inviolable and Infallible. Tremendous as were these powers, they were increased by the law of sacred treason, or Læsa Majestas, which made it a capital crime even to speak of him irreverently. He also acquired the lawful right to arbitrarily convene or dismiss the senate. Through the appointment of prætors he exercised a powerful influence upon the magistracy and the administration of justice. Finally, with the office of supreme-pontiff he acquired lawful authority over the priesthood, the flamens, augurs, bishops, curates, vestal virgins, temples, sanctuaries, shrines and monasteries, over the calendar, over the coinage, over the fisc and over all sacerdotal institutes, prerogatives, rites, ceremonies, festivals, holidays, dedications and canonizations; as well as over marriages, divorces, adoptions, testaments, and benefices, or church livings; in short, he became the Supreme Lord over all that immense class of subjects embraced by the Roman imperial, censorial, fiscal and ecclesiastical systems.

After he had acquired these powers he appointed a new set of of-

ficers, of his own creation and dependent upon himself, to whom he assigned their execution or enjoyment. In carrying out these measures, Augustus was evidently guided by legal advice. Force was seldom manifested; injustice was not openly displayed; and the rights of property, office, title, privilege, or custom, were rarely violated without a plausible pretext. The forms of law, which had grown up under the republican constitution, were employed to destroy the last vestiges of liberty; and the empire was enchained, subdued and crushed as completely as though its master was indeed endowed with the supernatural powers attributed to him by his sycophants and devotees.

The college of Augusine priests was elevated to the same rank as the four other great religious colleges; the function of the first-named one being to establish rites, offer prayers, chaunt hymns and accept sacrifices, in the temples sacred to Augustus. The worship of Augustus, Son of God, was officially incorporated into the religion of the empire; every city of the empire had an augustal flamen, every house an augustal shrine; succeeding emperors themselves sacrificed to Augustus, and irreverence to this deity was visited with the severest penalties. Afidius Memla, for refusing to take his oath of office in the name of the divine Augustus, was ejected from the senate, and the ancient city of Czyicus, for neglecting the worship of Augustus, the Son of God, was deprived of its privileges. During the reign of Tiberius the head was removed from an image of Augustus and placed upon another image, possibly of the same god. This offense was regarded with such profound horror that it was brought to the attention of the senate, who ordered several persons, suspected of knowing its author, to be put to the torture until they confessed his name. When this was discovered the offender was summarily executed. For changing one's clothes in the presence of an image of Augustus the penalty was death. For whipping a slave near the shrine of Augustus the punishment was death. For defacing a coin which bore the effigy of Augustus the penalty was death, not because it was a coin, but because it bore the image of the god. This is proved by the next instance. For defacing the effigy of Augustus on a ring the penalty was death. For accepting honours in a colony on the same day that somewhat similar honours had been decreed to Augustus the penalty was death. It has been insinuated that the worship of Augustus was an idle form, an empty, meaningless ceremony, a mode of flattery, like that alleged to be still rendered to some eastern potentates. To complete this assurance it will be necessary to prove that the thumbscrew, the rack,

the headsman's block, the axe, and the bloody remains of Roman citizens stuck upon lances at the city gates, the remains of men who had been executed for sacrilege to the god Augustus, were also illusions; that Suetonius, Tacitus, Josephus, Pliny and the other post-Augustan writers on this subject have transmitted to us a mass of falsehoods without the extenuating motive of either religion, interest, or ambition; that the myriads of Roman coins, found in the most distant places, stamped with the rayed image of Augustus and proclaiming him in explicit words the Theos, or living god, the Sebastos, or Holy One, or else the Son of God, are forgeries; and that the temples erected in his honour and in which worship and sacrifices to him were conducted by a hired priesthood and enforced upon the people, were so many figments of the imagination. [58]

Costly temples, altars and images were erected to Augustus in Rome, Nola, Pompeii, Athens, Piscennus, Proconnesus, Tomis, Byzantium, Cyzicus, Antioch, Ancyra, Samaria, Jerusalem, Alexandria, Lyons and Vienne, (in Gaul,) Leon and Terracona, (in Spain,) and numerous other cities, the remains, in some cases almost complete remains, of which are still extant; the worship of Augustus was regularly conducted in all these places; and all classes of men were compelled to bow to his images and to worship them, upon the penalty of death. [59] In Italy no such compulsion was necessary. Indeed, this worship stood in such high estimation that petty images of Augustus were used as charms, which were suspended or worn upon the person; and the larger images of his incarnation, which were erected in highways and public places, were, inthe absence of a temple, resorted to for sanctuary and respected as such.

On the numerous votive tablets and other monuments erected to the worship of Augustus he is variously addressed as Liber Pater Augustus, with the thyrsus of Bacchus (3046), Jupiter Optimus Maximus Augustus (6423), Apollo Augustus (534), Serapis Augustus (4044), Saturnus Augustus (1796), Savus Augustus (3896), Savus Adsalluta (5134), Sedatus Augustus (3922), Salus Augustus (4162), Mercurius Augustus (1434), Æsus, Baldir, etc., the numbers being those of the

[58] The coins with the rayed images and sacred titles of Augustus are depicted and described in Cohen's "Monnaies Imperiales," I, 107, etc. They are also mentioned in Lenormant, II, 170, and in many other numismatic works.

[59] Soranus, a Latin poet, in the reign of Julius Cæsar, was put to death upon the charge of betraying a secret. He acknowled no god but the Soul of the Universe. Lempriere, in "Valerius." It is therefore likely that his real offence was the refusal to worship the sovereign-pontiff.

inscriptions in Mommsen's "Corpus Inscriptionum Latinorum."

Lanciani informs us that of the vast number of structures on the Palatine Hill which comprised the palaces of the Cæsars "but one section alone remained unaltered throughout all the ages."[60] This was the section built by Augustus; the one in which he dwelt. It was destroyed in 1549. To this may be added the fact that of all the memorials of the distant past which the Vatican preserves with the most jealous care is the marble image of Divus Augustus. Like reverence, however, has not been extended by the Italian government to his sepulchre, which, it is stated, has recently been subjected to indignity.[61]

The church of Augustus tolerated no rivalry and permitted no heresies. Agrippa, whose great services to the state might have evoked a popularity inconvenient to the Augustus, died suddenly at the age of 51 years. After the death of Augustus, and by order of Livia, the innocent sons of Agrippa were put to death.[62] In the reign of Tiberius, Caius Silanus, proconsul of Asia, being accused of irreverence to the god Augustus, was excommunicated and banished to Cythera.[63] The Egyptians and Jews in the city of Rome were ordered to renounce their impious worship or leave Italy at short notice. Four thousand of them were transported.[64] Junius, who pretended to be able to raise the dead, was forbidden to practice his art. The Chaldean astrologers, and afterwards all astrologers, magi, and worshippers of strange gods, were banished out of Italy.[65]

After the death of the Augustus, which occurred, according to the received chronology, in A. D. 14, the army of office-holders, priests, sycophants and panders, who filled the capital, hastened to transfer their scandalous homage to Tiberius, his successor. For this they were at once rebuked by Tiberius, who reminded them that he was no god, but like themselves a mere human being; and he forbade them to address him by any sacred title, or even to swear by his name. Yet such an impetus had this worship received that his edict was evaded, and the courtiers swore by the emperor's Genius. It was perhaps to avoid a homage which he was powerless to prevent that Tiberius removed to Capri, where he resided until he died. In Rome he sternly en-

[60] Lanciani's "Ancient Rome," p. 109.

[61] London Weekly Graphic, Nov. 14, 1874.

[62] In like manner Tiberius permitted his favorite, Sejanus, to erect images of himself in Rome: then he destroyed him.

[63] Tacitus, Ann., III, 68.

[64] Tacitus Ann., II, 86.

[65] Tacitus, Ann., II, 28-32.

forced the worship of Augustus, although in the provinces he added or permitted that of himself. He must have reduced the number, or else the emoluments, which Augustus had awarded to the Roman ecclesiastics, [66] for, without any other assignable cause of offense, the works written after his death, most of which were the product of their busy pens, sought to blacken his memory with hints of crimes which it was impossible for a man of his venerable age to commit.

After the death of Tiberius the superstition of Rome attached itself to Caligula, and made him a god. Philo of Alexandria affords us a glimpse of this impious worship in his account of an embassy which he headed on behalf of the Jews. The Alexandrians sent a counter embassy to thwart him, and they met in the imperial presence under the following circumstances:

"Caius (Caligula) was engaged at this time in transforming the garden of the Lamias into a royal residence; and the rival embassies were summoned thither. They found him hurrying from room to room, surrounded by architects and workmen, to whom he was giving directions; and they were compelled to follow in his train. Stopping to address the Jews he asked: 'Are you the god-haters who deny my divinity, which all the rest of the world acknowledges?' The Alexandrian envoys hastened to put in their word: 'Lord, these Jews alone have refused to sacrifice to your welfare.' Said the Jews: 'Nay, oh Lord, this is a slander. We sacrificed for you not once, but thrice; first, when you assumed the empire; then, when you recovered from your illness; and again, for your success against the Germans.' 'Yes,' observed Caligula, 'You sacrificed *for* me; but not *to* me,' and thereupon he hurried to another room, the Jews trembling and their rivals jeering, as in a play." A similar avoidance of this worship at Jerusalem is mentioned by Josephus; and when the procurator of Judea attempted to set up a statue of Caligula in the Temple, the dagger of some Judean Brutus alone prevented the profanation.

After Caligula came Claudius. He also demanded to be worshipped as a god. Josephus has preserved the text of an edict in which Claudius admits that the Jews had been unjustly treated by Caligula, because they had refused to worship him as god, contrary to the charters of privileges which they claimed to have obtained from Julius and Augustus; and Claudius orders these charters to be respected. [67] This edict was no doubt procured through bribery of the court officials; for Claudius soon forgot all about it and demanded

[66] Suet., Aug., 30. [67] Josephus, Ant., XIX, v, 2.

from the Jews similar worship to himself. Rather than submit to it, the Jewish people came before Petronius en masse and told him he might slay them all, for they would never yield to such a demand; whereupon he wrote to Claudius that if he insisted upon being worshipped in Judea, he would soon reign over a desert. Before Petronius received the reply of Claudius, the dagger had also dispatched the latter; but not before his insistence upon being worshipped in Britain had sacrificed the heroic Boadicea and the entire nation of the Iesini; who were as resolute as the Jews on this subject. The levity of Nero and the short reigns of Galba, Otho and Vitellius, diverted the worship of the reigning sovereigns to the dead and canonized Augustus, Son of God. But it appeared again in the reigns of Vespasian and Titus, who were also worshipped as incarnations of the deity. In the reigns of Domitian and Nerva, both of whom assumed to be the Creator and demanded and received divine homage, this blasphemous and happily always declining worship received a further check; so that when Trajan ascended the throne, Tacitus was enabled to write the passage already quoted concerning the reign of Augustus: "The reverence due to the gods was no longer exclusive. Augustus claimed equal worship. Temples were built and statues were erected to him; a mortal man was adored; and priests and pontiffs were appointed to pay him impious homage."

Following Trajan were Hadrian, Antoninus, Marcus Aurelius, Commodus, Pertinax and Aurelian, all of whom demanded and accepted divine homage. But this was almost the last of it. The repugnance and resistance, which had begun in the provinces, afterwards manifested itself in the intellectual centres of the empire; and though it was attempted again and again to return to the worship of Augustus, the attempt failed; so that in the place of an odious and degrading religion, Elagabalus deemed it feasible to revive the ancient worship of the Sun. The theogonies of Hesiod and Homer, [68] of Virgil and Ovid, were obsolete; the Julian and Augustan worship had become obsolete; and the worship of living emperors was repugnant to the spirit of the West. Although this was the period of those numerous Mithraic monuments which now appear in the archæological museums of Rome, Paris, London, York and Newcastle, the religion of the Sun made but little headway. The legions accepted it, but that was all. Mithraism, too, was obsolete. Its vital force was long since spent. Elagabalus was supported by some of the best families of Rome, but the weakness of his cause and the

[68] Cicero de Div., 17, 38, 67, 126, 248, 262, especially 126.

opposition and hatred of the Augustan priesthood, whose livings it endangered, thwarted his object; and have since loaded his name with obloquy. His plan of directing into a purer channel the superstition and religious fervour of his countrymen, though delayed for three-fourths of a century by the Roman ecclesiastics, was nevertheless carried out more successfully by Diocletian, who revived the Sun-worship which Elagabalus had established. But the revival was only accomplished at the cost of dividing the empire into four satrapies; and with this division, what remained of the worship of Augustus fell, to rise no more. In its place and in the place of the ephemeral Mithraism and of the Dionysian worship, which, according to the coins of the period, succeeded it for a brief interval, arose that later religion of the West, which conserved the fruits of military conquests, that, without it, might have been made in vain and that absorbed all the other religions which these conquests had brought together.

Emperor-worship is not so much the product of the Orient as it is of those vast hierarchies which could only arise in the Orient, so long as the Occident remained comparatively destitute of population. The agglomeration of an extensive empire, embracing numerous races and tribes of men, differing from each other in origin, aptitudes, mythology and religion—especially when such an agglomeration is followed by the practice of transplantation and fusion, the whole empire being governed by a single hierarch—has always been followed by emperor-worship.

The empires of India, Persia, Assyria, Egypt, Macedon and Rome, were all of this character; they all practiced the transplantation and fusion of the people whom they conquered; they were all governed by hierarchs; and these hierarchs were always worshipped by their subjects. Some traces of the Oriental tendency to worship human gods is observable even in modern times. To-day, in Madras, the the statue of the British queen-empress is annointed with consecrated oil, strewn with flowers, propitiated with offerings of frankincense, and worshipped on bended knees by the natives; who call it the great Maharanee, or Queen of Queens, the Holy One, the Supreme God. That these are acts of piety and not of flattery, is evident from the fact that they are done furtively and in defiance of the police; who are instructed to prevent them.

If on the one hand, extensive empire and hierarchical government furnished the ground of emperor-worship, on the other hand, the mythology of the Orient supplied the seed. The incarnations of Bel-Issus, Nin-Ies, Tiglath-pil-Esar, Cyrus, Darius, Rhamses, Alexander

the Great, the Ptolemies, the Selucidæ, and the other personages alluded to herein, formed a series of Asiatic gods as well marked as any generation of monsters traced by the philosophic eye of Darwin. Even this line of gods, which, with perhaps one or two doubtful exceptions, consisted of actual historical personages, was complemented by another series of wholly mythological beings. Such were the incarnations of Vishnu, Ies Chrishna, and the Brahminical Buddha of the Hindus; Assur, of Assyria; Nebo-Nazaru, of Babylon; Osiris and Horus, of Egypt; Ormudz, of Persia; and Ischenou, Chres, Jasius and Bacchus, of Greece.

Water will not rise above its own level. Man will not worship a god who is either above or below the poise of his own comprehension. The gods have therefore this useful function: they furnish an infallible barometer of the human intellect. Measured by this scale, the worship of Augustus was not at the period of his advent below the comprehension of the West, for, with the exception of the stubborn Northmen, we hear of no dissatisfaction with it. Rural Italy, Gaul, Spain, Pannonia and Southern Germany, all accepted or endured it; Britain, Saxony and Scandinavia alone rejected it. Nor was it below the comprehension of Egypt and Asia Minor, for only in Judea do any serious revolts against it appear in the chronicles of the times. But if, with the heroic exceptions mentioned, the rural populations endured it without repugnance, the great cities of the empire, such as Antioch, Alexandria, Athens and Rome, found it too degrading for continued acceptance. It was these centres of intellectual activity that gave effect to the revolts which emperor-worship had provoked in Britain, Frisia, Saxony and Judea; and it was out of this combination of popular resistance and intellectual disgust that arose a long and deadly struggle against the worship of Augustus and the wide-spread and firmly-rooted superstitions upon which it was founded; a struggle which finally ended in the adoption of Christianity. [66]

[66] The coins of Augustus commonly have the rayed image of that personage, with the legend DIVVS AVGVSTVS; or AVGVSTVS DIVVS FILIVS. This style was afterwards followed on the coins stamped with the effigy of Christ, the first one of which was issued by Justinian II., Rhinotmetus, about the year A. D. 705, with the legend d. N. IhS. CPS REX REGNANTIVM. There were several issues of these coins and some slight variations in the spelling. The small "h" is really a Greek "e," while the capital "P" is really a Greek "R." Sabatier's Byzantine Coins, Justinian II., No. 2. For Divos and Divus on Coins of Julius and Augustus, see Humphreys' "Coin Collector's Manual," plate 8.

CHAPTER IV.

DEFECTIVE THEORIES OF THE FEUDAL SYSTEM.

Disagreement of eminent historians regarding the character and æra of the feudal system—Viewed by some as a condition of society—By others as a system of caste—By others as a species of land tenure—Opinions of Hallam—Robertson—Guizot—Buckle—and Stubbs.

THE extraordinary diversity of opinion which still prevails, with regard to the nature, the limits, and even the æra, of the Feudal System in Europe, suggests the difficulties which have attended the elucidation of this abstruse subject. By some historians the feudal system has been regarded as the general condition of society during the medieval ages, by others as a system of social ranks or caste [1], and others as the law or custom governing lands held on condition of military service. Budæus, Zazius and De Coulanges trace the system to the institutes of pagan Rome, Guizot bases it upon the Christian ecclesiastical benefices of the fifth century, Robertson first discerns it in the seventh, Hallam in the tenth, Draper postpones its establishment until the eleventh century, and Gibbon shirks the enquiry altogether. All of these eminent authors unite in the admission of a feudal system, and some of them treat it at great length, but no two agree as to what it was, nor when, nor where, nor under what circumstances, it was adopted. In short, the feudal system is an apparition, which everybody has seen, but nobody has cared to follow beyond the mysterious portals whence it emerged and into which, as we shall prove, it afterwards happily faded.

Those who have regarded the feudal system merely as a form of society or as a system of caste, have never proceeded with their explanations far enough to enable the feudal form of society or the

[1] Caste is from casta, a Portuguese word signifying colour. It was applied by the early Portuguese commanders to the system of social ranks which they found in India. The Hindu word is varna, with precisely the same meaning. Hence it is probable that originally the Brahmins were the whitest of all the Indians. However this may be, caste no longer proceeds from colour, and throughout the present work it will be used to designate the various orders or ranks of society.

feudal arrangement of caste to be distinguished from others, nor to furnish a guide to the origin of such institutes, nor the reasons for their adoption. These are defects which render such definitions practically valueless. Some writers have, indeed, attributed the medieval system of caste to the relative importance of Franks and Romans, as measured by the retts or were-gild of the Salic law; but the explanation is insufficient, for this were-gild only accounts for the difference between a "common Frank" and a "Roman possessor of lands," and between "landowners" and "cultivators." These differences may have betokened no distinction at all in caste, or, assuming that they did, the distinction may not have been universal. Even if universal, this were-gild only vaguely establishes two or three grades of social rank, of whose legal rights or obligations to the state, or to one another, we are left substantially in the dark, and are therefore not warranted in basing upon them any supposed system of caste.

The common description of feudalism, that one which has been adopted by the legal profession, is a system of tenures by military or other services, chiefly military. This explanation is even less satisisfactory than the previous ones. It is like describing man as an animal that wears clothes. True, that man wears clothes, true, also, that man is the only animal that does wear clothes. Yet, was he not man, before he wore clothes, and has he, even now, no other nor more important function than that of wearing clothes? As an expedient for economising thought, by limiting the enquiry to the Carlovingian æra and to a single accidental mark, which leads to the discovery of no essential characteristic of feudalism, the theory of military tenures is a happy one. As a means of ascertaining comprehensively the nature of the feudal system, as an instrument for determining the characteristic features of a feud, as a mark to denote the beginning or end of feudal government, or feudal tenures, it is of no use whatever. In those causes, now of the rarest occurrence, which turn upon the essentials of a feud, the Bench may hereafter find it necessary to assume a totally different basis, for the origin of feudal obligations and customs, than military or other services.

For we trust to be able to show that the feudal system was connected and necessarily connected with the church; that it was a development of the Sacred constitution of the Roman empire and legally expired with it; that it began with that constitution and its requirements; that it existed long before the establishment of the military tenures referred to; that there were many other feudal in-

stitutions and customs, such as the feudalisation of church revenues, which had no connection with military services; and that feudal estates of land were not founded upon military services, but upon the inalienability of lands belonging to the church, the use of which was granted as a favour—*beneficio*—by the church for produce or for services, which, whether civil or military, was of no essential importance.

Many of these circumstances and relations were observed by the very writers who were constrained to shunt the whole subject into the petty cul de sac of military tenures. That they made so little of them can only be ascribed to the inadequate importance which they accorded to the Sacred constitution, or else to the vice of verbalism and the misleading etymology of feoh. This is a Gothic word meaning a cow, and, by metonym, a payment, reward, or fee. It is hardly too much to say that, hitherto, this word has successfully resisted every attempt made to discover either the origin, the æra, or the nature of the feudal system in Europe.

Respect for those who have treated this difficult subject, render it proper that their opinions shall be consulted and briefly discussed at the outset. The ablest of these writers, at least in the estimation of English readers, was Mr. Hallam, and we shall begin with the arguments set forth in his deservedly popular "View of the state of Europe during the Middle Ages."

I. Mr. Hallam does not define the feudal system, nor does he mention any characteristics by which it may be always distinguished (*i. e.*, at any and all stages of its development) from a system of government which is not feudal. His treatise begins with a description of "benefices, or in other words, fiefs." Avoiding all mention of inalienable property and the origin of benefices, he skips over several centuries of time and conducts the reader at once to the maturity of feudalism, which he describes as a system of land tenures, that obliged the tenant to "serve his sovereign in the field." Thus, "to render military service became the essential obligation which the tenant of a benefice undertook, and out of these *ancient* grants there grew up in the tenth century, both in name and in reality, the system of feudal tenures." If the obligation to serve the sovereign, or the state represented by the sovereign, in the field, is the essen tial obligation or characteristic of the feudal system, then there is nothing peculiar about it. The duty of the subject or citizen to render military service to the sovereign or state is essential to communal life, or societary existence; and it has prevailed and still prevails and must continue to prevail, in all communities.

That military service, either to the sovereign or to anybody else is not the essential characteristic of feudalism, appears, the moment we retrace our author's too rapid steps and revert to the nature of those benefices which he has acknowledged to be, as indeed they were, the same as fiefs, but which he has apparently forgotten all about. In the first place these benefices, when they consisted of landed estates, all emanated from the church. In the second place, few or none of them were granted to, or by, the church, upon conditions of military service. In the third place, many benefices or fiefs had no more to do with lands than with military services. Princes sometimes granted in fief the offices of state, the running of water, the profits of coinage, or the tolls of roads and ferries, while prelates granted in fief the profits of the holy mass, the profits of baptism, of the churchings of women, or of the sacred winds of heaven. [1]

II. Still absorbed with the notion that a benefice or fief was necessarily and always an estate of land, Mr. Hallam, in another place, says: "The essential principle of a fief was a mutual contract of support and fidelity." To this it may be replied that such is the nature of the social contract in all states. Surely there is no suspicion of feudalism in the absolute ownership or allodial tenures of the United States of America, at the present time. Yet every landowner there, as well every man who is not a landowner, is under an implied, if not an express contract, to be "faithful" to the government, which in return, undertakes to "support" him in his political rights.

III. Mr. Hallam incidentally observes that during the height of the feudal system in France, vassals never hesitated to serve their lords even against the sovereign, "nor do they appear to have incurred any blame on that account." Having said this much, the illustrious author dismissed that portion of his subject which merited the greatest attention. The respect, fidelity or allegiance due from the subject, not directly to the head of the state, but to the subject's patron, or the noble placed next above him in the social scale, and by the latter to his lord, and so on upwards to the throne, was one of the most characteristic marks of feudality; far more characteristic than the holding of land upon condition of performing military service to a patron or sovereign. The latter mark is only to be observed after feudalism had made considerable progress; the former can be discovered whenever and wherever the feudal system prevailed. It

[1] Robertson's Charles V., note H; Guizot, 1, 66; Beckman, Hist. Inv., art. "Cornmills."

is true that the mark of feudal ordination was not so plain when Julius and Augustus first applied the organization and discipline of the pagan church to the civil and military systems of the empire, as it was, when under Hadrian IV., the church, now Christianized, had become all-powerful and its influence all-pervading; but, though only faintly impressed, it is to be seen from the outset. The organization of ecclesiastical ranks and powers was feudal; the charters of the Augustan period, which Josephus has preserved, are feudal; the vicariously applied powers of the proconsuls and proprætors during the whole of the pagan imperial æra was feudal; and the arrangement of social ranks, which, beginning in the first century, grew to maturity by the fifth—the nobillissimi, illustres, spectabiles, clarisimi, and perfectisimi—were also feudal. These powers and ranks were feudal from the moment that they ceased to be related directly to the state or the head of the state and became related to other powers and other ranks which stood between them and the state. Mr. Hallam employs an erroneous term when he calls the king of France the "sovereign of the vassals." He was nothing of the sort. He was the suzerain of the nobles. The latter were the sovereigns of the vassals, and to them alone, as Mr. Hallam himself admits, was vassalic allegiance due.

IV. Our author regards "fiefs holden on terms of military service as the most ancient and regular" fiefs, forgetting that, in another place, he found fiefs still more ancient in those ecclesiastical benefices which had nothing to do with military service.

V. Mr. Hallam regards investiture as a characteristic mark of feudalism. This is again like regarding the wearing of clothes as the characteristic mark of men. The reply is that although there may have been no investiture without feudalism, there certainly was feudalism without investiture. Among those duties of the vassal which commenced with investiture, duties which our author unfortunately finds it "impossible to define or enumerate," was the duty "never to conceal from the lord, the machinations of others." This is admitted to be a mark of feudalism, but denied that it is only to be discerned in the customs of investiture; for it will be found expressly set forth in the Judean charters already cited. These preceded investiture by several centuries.

VI. A similar reply may be made with regard to reliefs, which Mr. Hallam confines to the middle ages and describes as "sums of money (unless where charter or custom introduced a different tribute) due from everyone, of full age, taking a fief by descent." During the

Triumvirate the Senate granted to Herod his fief of Judea, which he claimed by descent from Antipater, to whom it had been granted by Julius Cæsar. The money which Herod paid on this occasion (B. C. 40) as well as what he paid ten years later, when he obtained a confirmation of his fief and transferred his oath of allegiance to Augustus, was according to Mr. Hallam's definition, a relief. Therefore reliefs are not to be confined to the middle ages. It may be added that they are not to be confined to medieval fiefs. Augustus not only exacted a relief from Herod, he exacted one from every heir, whether the incumbent of a feudal estate or otherwise. This exaction, known as vigesima hæreditatum, or the twentieth of all inheritances, was a tax of purely ecclesiastical origin, the entire proceeds of which were probably devoted to the support of the church.

VII. Mr. Hallam closes his enumeration, not of feudal characteristics, but of what he calls "feudal incidents," with a description of the "partial customs" concerning wardships and marriages (such as feudal servitudes) which distinguish "the maturity of the system." This softening of phrases and qualification of terms distinguishes every writer on the subject of feudalism, but in Mr. Hallam it is most marked. They all appear to be afraid to commit themselves to any positive language on the subject: than which there can be no surer token of doubt and uncertainty. In this sort of euphemism, "characteristics" are softened into "incidents," "customs" into "partial customs," and "feudalism" into "matured feudalism." The reader never knows what he has gained. After fancying the argument to be safely anchored in port, he finds it, to his surprise, still tossing about, upon an ocean of indefinite phraseology. If a description of the feudal system is to be limited only to those characteristics or incidents which marked its maturity, how are we to determine its origin, how long it prevailed, how far it extended, or what mischief it wrought?

VIII. Mr. Hallam—still looking for the channel and never letting go of the sounding-line for a moment—parts with his readers by warning them against false lights, "against seeming analogies (to feudal incidents) which vanish away when they are closely observed."[1] Among these he enumerates the relation of patron and client, because it was not founded upon tenures of land nor military service. Yet, according to his own terms, these essential "incidents" of

[1] Mr. Hallam's objections to what he regards as "seeming analogies" (Mid. Ages, p. 96,) are sharply criticised by Hampson, Origines Patriæ, p. 61.

feudalism only pertained to the maturity of feudalism and may not have distinguished its beginning. His objection to be guided by the light of patron and client has therefore, no discernible foundation. Another light about which he is very doubtful, is emphyteusis, which he accuses the medieval Italian lawyers of wrongly mistaking for a feudal tenure, "modes of property somewhat analogous in appearance, but totally distinct in principle," (p. 95). Yet, in another place, he admits that feodum and emphyteusis were often used interchangeably, and that, for example, under the edict of Peter II., of Aragon, 1210, it was not always possible to determine whether emphyteusis meant a "regular fief," or not. His explanation is that although emphyteusis resembles a fief in being an estate of land held upon conditions, it differs from a fief in the essential respect that those conditions were not military service. It is therefore very evident that military service is the sign by means of which this obscure channel is attempted to be traced by Mr. Hallam. When it is remembered that Mr. Hallam himself had shown that fiefs and benefices were the same, that benefices were not military, that fiefs were not always military, and that, in some instances, it was impossible to distinguish emphyteusis from a feudal tenure, the retention of this clue is very remarkable.

Any further examination of Mr. Hallam's views on this subject would be futile. It is quite clear that both this author and the several other authors whose opinions he discusses and rejects, were conscious of the great difficulty which attended their search for the origin of the feudal system in Europe, and of the uncertainty in which they were compelled to leave the enquiry; that they never suspected, at all events never disclosed, any connection between it and the Sacred constitution; that, for them, the feudal system possessed no necessary relation to the ecclesiastical system; that they never regarded the Roman and medieval arrangement of civil, military, and ecclesiastical ranks, as peculiarly feudal, or as of sacerdotal origin, or as being impossible of achievement and perpetuation without the consent and co-operation of the church; that they did not regard the inalienability of church-lands as having anything to do with the origin of feudal estates; that, excepting Guizot, they saw no evidences of the existence of feudalism in the pagan Roman empire, or indeed at any earlier period than the Carlovingian æra; and that, to all of them, the sign, the mark, the buoy, the clue, the finger-post to feudalism, was the holding of lands upon condition of military service.

Whilst we may decline to accept the conclusions drawn by this eminent author we are compelled to acknowledge the great value of his observations. In this respect, Mr. Hallam's chapters on feudalism are all that can be desired. The numerous marks and soundings of the subject which he has brought together have evidently been investigated with care and impartiality. If read closely, it will be found that the historian does not altogether deny the Roman origin of feudalism; his view seems rather to be that it did not attain the maturity of a system until the Carlovingian æra. So far, there is no essential disagreement between this view and the one upheld in these pages. It is not intended to be maintained that feudalism ripened at once into a complete form of government, but that it arose out of, and began its development under, the Sacred constitution, was marked by precisely the same territorial limits, and received its death blow when that constitution expired. So far as feudalism is concerned, Mr. Hallam's work leaves the Dark Ages entirely out of view. In the present work this period is attempted to be brought into relief. The essential difference in the two theories relates to the origin of feudalism. Mr. Hallam can only discover this in the supposed military tenures of the Goths; the search-light of the Sacred empire enables us to discern it in the necessities and institutes of the Romans; among which were military tenures granted before the Goths dominated Europe. The Gothic clue led Mr. Hallam to base a limited structure of feudalism upon certain eccentric and (from his point of view) unaccountable tenures of land. The sacerdotal clue not only accounts quite readily for these tenures, it affords a much broader and more ancient foundation for the superstructure, and enables us to perceive and admit fuller and more varied proportions to the latter.

Read by the light of the Sacred empire even the materials brought together by Mr. Hallam point to the Roman origin and the broader features of feudalism to which we have alluded. For example, Mr. Hallam distinctly asserts of the Franks under Clovis that the Romans, or rather the provincial inhabitants of Gaul, were not only possessed of lands, but that they were governed by the Roman law and admitted to the royal favour and the highest offices; that the bishops and clergy, who were usually Romans, grew continually in popular estimation, in riches and in temporal sway and authority; that while one class of Romans retained estates of their own, another class, scarcely raised above the condition of prædial servitude, were tributaries upon estates owned either by the former or by Franks; thus proving that Frankish chieftains did not monopolise the offices of state; nor

Frankish priests the profits of the church; nor Frankish owners the fruits of the land; nor Frankish judges the tribunals of justice. The fact that the Salic law was grafted upon the Roman, lends great significance to Mr. Hallam's recognition of numerous other orders of nobility, beside those which appear in the were-gilds, such as patrician, antrustion, conviva regis, commoner, bishop, abbot, duke, count, and knight. He also recognizes commoners, landowners, freemen, fideles, leudes, tributaries, servi, coloni, fiscalini, and other social grades, and avers that the feudal system was characterized by "long graduations and numerous duties." He admits that every man both in France and Italy had the right to choose by which law, whether Roman or Gothic, he would be governed; that so early as 570, the Lombard dukes of Spoleto and Benevento embraced in their newly founded duchies "a sort of feudal aristocracy;" that fideles and leudes were favourite subjects or royal vassals of the Frankish kings upon whom benefices for life had been bestowed out of the lands of the fisc, and who, in common with the antrustions, took oaths of fidelity to their prince; that in the Salic and Lombard codes favorable exceptions were made in favour of such vassals; that the benefices of the antrustions were hereditary and the language of the treaty of Andely, A. D. 587, implied the existence of other hereditary benefices (we suggest that these were of ecclesiastical lands); that "whoever possessed a benefice (within our author's meaning) was bound to serve his sovereign in the field;" that the beneficiary "naturally carved out portions of his land to be held of himself by a similar tenure" and so on, in turn, down to the last holder; and in the instance of Sunegisilius and Gallomagnus, two favorites of Childebert, their benefices were confiscated for neglect or refusal to perform military service; that the estates of counts were usually co-extensive with episcopal dioceses (this implies the confiscation of the pagan church lands by the secular authority); that the counts grievously oppressed the poorer proprietors (this would be the natural complaint of the church when, having fastened "the yoke of the Gospel" upon the barbarians, it demanded the restoration of these confiscated lands); that Salvian, a priest who died about A. D. 500, mentions the custom of commendation as existing "even before the invasion of the Franks;" that commendation resembled the Roman relation of patron and client; that it enabled the lower classes of freemen, upon payment of homage and tribute, to secure the protection of the nobles and exemption from military service; that both Frankish and Anglo-Saxon laws of Christian dates provided that every man should

own a lord; that the "essential principle" of a fief was a mutual contract of support and fidelity, and that the sanctions of religion were employed to strengthen the tie; but that the "real principle" of a fief was an arrangement of land holders "in degrees of subordination according to their respective capacities of affording mutual support;" that prelates and abbots were, ex-officio, feudal nobles; that military service was not reserved in grants of land made by the State to the Church; that many private persons conveyed their lands, and even their persons as slaves to the church in return for its blessing, and, (it may be added,) exemption from military service; that military service was not reserved in the beneficiary grants made by the church; that the feudal system in Europe was strictly confined to the limits of the Roman empire; that it did not exist in Norway, Sweden, Finland, Denmark, Saxony, Hungary, Venice, old Bohemia, Poland, or Russia; that the Milanese lawyers claimed it was of Roman origin and the Argonese fiefs were often granted, to use their own words, "according to the custom of Italy."

It is remarkable that with all this evidence pointing to the Roman origin, the sacerdotal nature and the varied composition, of the feudal system, Mr. Hallam should have permitted his views upon the subject to be limited by the verbal clue of feoh. This course is still more remarkable when it is remembered that he had already traced feudal tenures back to Roman benefices, a clue far more suggestive and promising than feoh, and totally unconnected with it, and that he cites Sweno, one of the earliest of Gothic writers, to prove that feoh was not a fief, but an "honour or government." But most remarkable does Mr. Hallam's course seem when he must have discovered that the adoption of feoh led to nothing but barren conjectures concerning the polity of tribes who had no polity and the useless elevation into gospel of that pleasing but impossible Germania, which Tacitus, the accomplished priest and historian, constructed out of some Roman log-book and designed rather for a homily to his heretical and degenerate countrymen, than a serious and actual description of barbarian manners.

The prepossession which appears to have misled Mr. Hallam was still more pronounced with Dr. Robertson, for it induced that eminent scholar to reject the plainest marks of the Roman origin of feudalism and to accept a totally improbable theory in place of it. Says the author of the Life of Charles the Fifth: "Though the barbarous nations which framed the feudal system settled in their new territories

at different times, came from different countries, spoke various languages and were under the command of separate leaders, the feudal policy and laws were established with little variation in every kingdom in Europe. This amazing uniformity (amazing indeed if feudalism was of barbarian origin!) hath induced some authors, for example Procopius, to believe that all these nations, notwithstanding so many apparent circumstances of distinction, were originally the same people. But it may be ascribed with greater probability to the similar state of society and of manners to which they were accustomed in their native countries and to the similar situation in which they found themselves on taking possession of their new domains."

A weaker argument could hardly have been advanced. It does not account for the fact that there was no feudalism among those barbarians who had not previously been conquered by the Romans; nor for the fact that its extinction synchronised with that of the Roman empire; nor for the fact that feudal systems in other countries were all connected with hierarchies and all hierarchies with feudal systems; nor for the feudal charters of Roman Judea; nor for the identity of fiefs and benefices and the origin of benefices in the inalienable lands of a church; nor for the ecclesiastical nature and ancient origin of feudal ranks and feudal government; nor for numerous other facts pertaining to feudalism. And what are we offered in place of a theory that should account for these facts? The assumption that Goths, Huns, Franks, and Sclavs all lived in a similar state of society in their own countries and found themselves in a similar situation when they settled in Europe: an assumption which the historian himself flatly contradicts on another page of his work, where he says that "while the barbarous nations remained in their original countries they had no fixed property in land and no certain limits to their possessions."

It is a pity that this familiarity with the ancient customs of the barbarians—who had and who hadn't a fixed property in land, who did and who didn't hanker after lands whose tenures were burdened with dangerous and often degrading conditions, and who were and who weren't the inventors and introducers into Europe of the feudal system—it was a pity that all this information was not communicated to M. Guizot, for that other eminent writer on the same subject says: "The customs and social condition of the barbarians have completely perished." As Dr. Robertson who wrote in 1785 appeared to know all about them and M. Guizot who wrote in 1824 could learn nothing about them, the knowledge of these customs must have all perished during the interval.

In describing the mode by which, in accordance with his theory, the barbarians transplanted their foreign feudal system into Europe, Dr. Robertson says: "Every freeman upon receiving a portion of the lands, which were divided, bound himself to appear in arms against the enemies of the community." No evidence is offered to prove that lands were so divided. On the contrary, the facts are that a vast number of the estates, certainly all the ecclesiastical ones, which were in the possession of Roman owners before the revolts of the barbarians, remained in the possession of Roman owners after the termination of such revolts, and that those barbarians, who were not merely Roman vassals or subjects in revolt, such as the Norsemen and Norse-Saxons, cared little or nothing about lands or other spoil that was not portable.[4] The obligation to appear in arms against the enemies of the community—even if admitted to have existed under a system which was distinguished by personal obligations, and which rarely provided for any of a communal character—was not peculiar to feudal states, for it is common to all communities, indeed we would prefer to say that it is common to all systems of society *except* the feudal system. For the purpose of accentuating that military obligation which he assumed to lie at the basis of feudalism, the historian says of the holders of fiefs: "They were exempt from every other burden," an assertion in support of which he offers no proof at all. In another place and to further illustrate his theory, he commences by dividing all the lands of the Roman empire among the barbarians whom he assumes to have conquered such lands. Then, in order to account for that subordination of estates which according to his view first makes its appearance after this event, he divides the land again, this time not among the barbarians generally, but only among the chieftains, so that the latter may "distribute portions of their lands among their dependents, annexing the same conditions (of military service with no other burden) to the grant." This redistri-

[4] Instead of fancying from the barbarian origin of the word feoh that the barbarians brought feudalism into Europe, Dr. Robertson might have easily discovered that they had no feudal elements whatever in their social structure. The Eddas and Sagas would have given him the communal organizations of the herad and the fylki, and had he suspected that these had been altered, as no doubt they had been by contact with the Romans, he might have found the original institute still flourishing in Russia under the name of mir. It was with this Mongolian institute and not the selection of a patron, or suzerain, (which the Romans taught him,) that the barbarian thrall protected himself against the oppression of the jarl; and it is in this institute that his descendants still find, in the absence of a better one, some sort of a refuge from tyranny.

bution among chieftains of lands that had once been parcelled out among the conquering rank and file is hardly supported by the story which our author quotes from Gregory of Tours, of the vase which Clovis coveted, over and above his share of spoil, but which one of his men shattered to pieces before his eyes, saying: "There is nothing for you here beyond your share." Fancy Dr. Robertson proposing redistribution to a warrior of this stamp![5] A more serious objection to this theory is the consideration that the existence of a class of dependents not entitled to a share of the lands in the first place and of chieftains with power to annex conditions of military service to subsequent grants of such lands, bespeak the institution of a feudal system anterior to the one for whose origin the historian endeavours to account. In one place (p. 15) he says that "the names of a soldier and of a freeman were synonymous," in another (p. 20) that these soldiers had "superiors" to whom they were bound by feudal obligations, and in a third that feudal institutions destroyed both equality and independence; positions which are evidently so contradictory as to deprive his general argument on the subject of all force.

The views of M. Guizot, where they differ from those which have herein been discussed, are certainly very peculiar. In his first allusion to feudalism (Hist. Civ., I, 41,) he very justly calls it an "aristocratical organization" derived from "hierarchical subordination." Then, wholly ignoring the meaning of hieras, sacred, he traces this form of society to the attachment of man to man, and therefore, according to his reasoning, feudalism to the barbarians. In one place he says that wherever barbarism appeared within the empire there arose feudalism, in another (p. 66) he says "wherever barbarism *ceased*, everything took the feudal form." In one place, (p. 70), he says that the importance of a Roman patrician was due to the law, while "that of the possessor of a fief was purely individual, it was not derived from any one, all his rights, all his power came to him from himself." In another place, (p. 75), he says that "every one

[5] The Story of the Vase as told by Aimoin of Aquitaine, Hist. of France, (lib. 1, c. 12,) is very different from the version of the Croniques de St. Denis. The former says: "Clovis, in 486, took Rheims and plundered the church of its plate. The bishop requested him to restore a silver chalice to the church, and Clovis assented, subject to the advice of his council. Calling the principal barons and knights together he asked their decision, when one of them stepped forward and cut the chalice in two with his sword, saying: 'You have no concern with anything here but what belongs to you by lot.'" Hampson's Origines Patriciæ, pp. lviii, 9. This little drama might easily have been arranged beforehand.

knows that feudalism desired legally to determine what were the services due from the possessor of the fief towards his suzerain." In one place the tendency and result of feudalism is separation and social isolation; in another place, (p. 79), the idea of feudalism was in fact, that of a federation; for example, "like the United States of America." In one place the feudal system is the most complex of all systems of society, one for which "a very advanced degree of civilization is evidently requisite;" in another, it was invented and introduced by ignorant and savage barbarians.

However, the crowning effort of this illustrious author is reserved for the mention of that material criterion by which the existence of the feudal system is always susceptible of being determined with certainty. This is castles. Feudalism and castles are always found together. The presence of one betokens the other. "Feudalism constructed them," and "their elevation was, so to speak, the declaration of its triumph." Then because, as he believed, "nothing of the kind (that is, castles,) existed on the Gallo-Roman soil before the German invasion," he argues that there could have been no feudalism before the occurrence of that highly mythical event. It would certainly be instructive to learn what sort of castles the "Germans," that is, the Goths and Huns, erected in the countries from which they imported feudalism into Europe, and how they managed to maintain the feudal system in the interval of abandoning one set of castles and erecting the other; but our author does not enlighten us on these points, nor does he appear to remember that long before the so-called "German Invasion" the Romans built or reconstructed castles on the Gallic soil and by these very means held it as a province of Rome; that many of the ancient castles of the Rhine whose picturesque decay render that stream so interesting to the modern traveller, were built by the Romans; [6] that they built numerous castles in Britain; [7] that Josephus describes many Roman castles in Syria; that the ruins of others have been found in all of their provinces, and in some instances beyond them, as the Roman castles in the Desert of Sahara; and indeed that the more ancient Greeks constructed castles in Mycenæ, Tiryns, Troy and other places.

As for the tiresome argument which M. Guizot repeats, that feudalism must be of barbarian origin because feud is from feoh and the latter is the Gothic word for a cow, it is hardly worth refutation. In addition to being grotesquely illogical, it is wholly irrelevant. Feu-

[6] Sir F. Palgrave, I, 353; Tacitus, Annales, IV, 73. [7] Juvenal, XIV, 196.

dalism is an institution, a thing; not a mere word. It is the origin, not of the word, but of the thing that we seek, and that origin in the Western world we find to be Roman. Whether the thing afterwards got a barbarian name or not, does not seem to us—with all respect for M. Guizot—to be of the slightest possible consequence.

Next we turn to Mr. Buckle. This justly eminent author believed neither in Dr. Robertson's cow nor M. Guizot's castles. In place of these historical theories he proposes a new one. Feudalism according to this view, was an unfolded plan of government, based on an indefinite relation of land and services, which arose in no stated place, out of a rebellion of the intellect, that occurred during some unmentioned portion of the tenth century. Briefly, our author regards the feudal system to be an entirely secular plan of government which emerged from the medieval Rebellion of the Human Intellect that, he asserts, occurred against the rottenness of the Christian church. The proofs relied upon to sustain this theory of feudalism are as follows: First, "the basis of the whole arrangement was merely the possession of land and the performance of certain military and pecuniary services." Second, in the feudal polity the spiritual classes, as such, had no recognized place. Instead of looking up to the head of the church, men looked up to the nobles. Thus, by the feudal revolution, the nobles gained and the bishops lost, at least so we are assured, says Mr. Buckle, by the abbé Mably. Third, after the occurrence of the feudal revolution (in other words, the rebellion of the human intellect against the corruption of the church) priests and monks were no longer exempt from military services. "Under the feudal system this immunity was lost, and in regard to performing services, no separation of classes was admitted." Mr. Buckle has added such a mass of valuable information on other subjects to the general stock of our knowledge, that it seems almost impious to roughly handle anything that he has touched; but as it is impossible to build anew, whilst old materials cumber the ground, so must even those which he has left behind, be removed, though ever so reverently, from the site of the proposed Edifice.

I. Mr. Buckle asserts that the basis of the whole arrangement was land. If the "whole arrangement" within our author's meaning was land, it is evident that its basis must also have been land, but as he has not defined nor described the "whole arrangement" it is impossible to discern with precision what relation it bears to the feudal system. The inference of the entirely secular character of the latter

therefore falls to the ground. If, by the whole arrangement is meant the whole feudal system, the notion that it was merely a system of landed estates, is so fully refuted elsewhere in these pages that the argument needs no further elaboration.

II. Our author asserts that in the feudal polity the spiritual classss, as such, had no recognized place. This is an assertion that flies in the face of all history. In the feudal polity the spiritual classes not only had a recognized place, they made all the places, reserving for themselves the best ones. They not only stood behind the throne of the emperor, they placed their feet upon it and employed it to work all those feudal puppets whom they did not choose to work directly from the papal throne. The church was the parent of feudalism, and dutifully imitating its own Jupiter, lived upon its progeny; for feudalism kept communities and princes apart, and in that condition rendered them more amenable to ecclesiastical avidity and control. It was the pontifex-maximus that, by veiling his sacred person from the world, created those numerous social ranks and that peculiar subordination which distinguished the feudal system of caste; it was the church that by fastening the yoke of the gospel upon the necks of the northern and western barbarians saved the empire from that complete overthrow which it suffered at the hands of the eastern and southern barbarians, and having saved it, at once proceeded to rule it; it was the church that, having acquired spiritual control of the northern and western princes, immured many of them in the monastic tombs of Rome in order that it might more readily direct the policy and grasp the revenues of the others; it was the church that having gained temporal possession for the Lord, of more than half of northern and western Europe, stocked its estates with white slaves, sometimes more than 20,000 to a single abbot, and leased or granted these estates as benefices or fiefs for the ultimate advantage, not of the Lord, but of the Lord's annointed; it was the church which so organized the ranks of nobles and ecclesiastics that, after the people "looked up to the nobles," the latter were obliged to look up to the readers, exorcists, clerks, priests, vicars, abbots, prelates, electors, legates, cardinals, and pontifex-maximus who surrounded or filled the throne of Rome and dispensed its favours or anathemas; finally, it was the church that first held inalienable landed estates, which, because they belonged to the Lord, could not be sold, and therefore had to be leased out, or granted for a term of years, or for a life time, or forever, on conditions of an annual payment of produce or services, and constituted those benefices or fiefs or feuds,

which our author supposes to have been derived from some fancied rebellion of the medieval intellect. [8]

III. Mr. Buckle asserts that after the introduction of the feudal system, an event which he assigns to the tenth century, ecclesiastics were no longer exempt from military service. It would be interesting to know who had the power and opportunity to repeal a millennium of Sacred law on this subject, or having such power and opportunity, dared to make use of it. Was it any of the petty princes of the tenth century, whether already immured in priestly dungeons, or liable to be so immured, whenever the priests gave the signal? Was it Otho, the suzerain of these princes, who received his crown upon his knees from the pope and whose empire was called the Holy Roman? Was it Henry who stood barefooted without the pope's door at Canossa, abjectly soliciting the forgiveness of his Holiness? Or was it the pope himself, who subjected the ecclesiastical to the temporal power by repealing the military exemption, or the priests, who voluntarily renounced the spiritual and took up the temporal sword? These questions at once indicate the improbability of Mr. Buckle's theory. It is inconceivable that the church repealed, or permitted the repeal of, a privilege which formed the main support of its authority and one which if abandoned to its enemies might have been employed for its destruction by sending all its adherents to the front. As a matter of history, so far was this privilege from any danger of being repealed, nobody ever suggested such a measure, and the privilege exists at the present day in every state that has issued from the prolific womb of Roman civilization. It is true that it has long since lost its importance, but so also has the feudal system and the Sacred empire, and many other institutes of antiquity.

The spirit in which Bishop William Stubbs approaches the study of the subject would hardly entitle his views on feudalism to consideration in this place were it not that as a teacher of history he happens to occupy the foremost place in England. In his "Lectures on Medieval and Modern History" he disinguishes (p. 15) between "one sort of truth" and another, between ordinary truth, and Christian truth, evidently regarding the latter as of a much superior quality. At the same time he fails to discern the difference between philosophy and "philosophic sciolism" (p. 8). He maintains that history is a religious training, but inferior as such to theology, because the

[8] Brady, Clavis Calendaria, shows where a priest claimed his order to be superior to the gods.

latter "rests on a divine revelation" (p. 10); that "the principle of freedom was brought into the world and proclaimed and made possible by the church" (p. 18); that the church is "the soul and spirit of all true civilization, of all true liberty, of all true knowledge" (p. 18); that there is no unity or continuity of ancient and modern history, (p. 98,) except in religion and in that only because the Christian dispensation connects the Flood (p. 134) and other beliefs of "the ancient Hebrew isolation, with the great Catholic church life" (p. 99); that "except as a matter of culture the ancient world is dead to us" (p. 108); that as a field for fresh and remunerative exploration it is useless to search the classical historians, "every bone of the great (historical) skeleton having long been put into its place" (p. 88); that "ancient history exercises the critical faculty in a comparatively exhausted field" (p. 109); that modern nations inherit no political institutes but only ecclesiastical culture from the Roman empire (p. 99); that "the ideas of medieval and modern life are of medieval and modern growth, or if connected with antiquity, connected by a new birth of culture, a re-discovery, a re-creation, not a continuous impulse of vitality" (p. 99); and that the twelfth century "originated the forms in which our national and constitutional life began to mould itself" (p. 136).

After this astonishing prelude it occasions no surprise to be told in his "Constitutional History of England," that "feudalism was of distinctly Frank growth. The principle which underlies it may be universal, but the historical development of it . : . may be traced under Frank influence from its first appearance on the conquered soil of Roman Gaul to its full development in the Middle Ages" (p. 250); that "feudalism in England was brought full grown from France" (p. 251 *n*); that the growth of the feudal system is correctly explained only by Dr. Waitz, who lucidly accounts for it "on the theory of a conjunction and interpenetration of the beneficial system and the vassal relation, both being fostered by the growth of immunities" (p. 251 *n*); that "this institution (feudalism) had grown up from two great sources, the beneficium and the practice of commendation and had been specially fostered on Gallic soil by the existence of a subject population which admitted of any amount of extension in the methods of dependence" (p. 252); that "the beneficiary system originated partly in gifts of land made by the kings out of their own estates to the kinsmen and servants, with a special understanding to be faithful . . . (and) partly in the surrender by land owners of their estates to churches or powerful men to be received back again and

held by them as tenants for rent or services" (p. 252); that "the union of the beneficiary tie with that of commendation completed the idea of feudal obligation" (p. 253); that "a third ingredient was supplied by the grants of immunity by which, in the Frank empire, as in England, the possession of land was united with the right of judicature" (p. 253); that "the rapid spread of the system thus originated may be regarded as the work of the tenth century, but as early as A. D. 877 Charles the Bald recognized the hereditary character of all benefices and from that year the growth of strictly feudal jurisprudence may be held to date" (p. 253); that "the beneficium is partly of Roman, partly of German origin" (p. 254); and that, "in the form which it reached at the Norman conquest, it (feudalism) may be described as a complete organization of society through the medium of land tenure" (p. 251).

With all respect for the accomplished Regius Professor of Modern History, it is submitted that these views, most of which are confessedly borrowed from a German writer, Dr. Georg Waitz, wholly fail to account for the origin of the feudal system or to describe any other phase of it than the matured one which it reached during the middle ages, and that even as to that one the description lacks both clearness, completeness, and precision. It does not explain the resemblance and connection of hierarchical and feudal governments, the sacerdotal origin of feudal rank, the involution of feudal castes, the similar ordination of nobles and priests, the inalienable tenures of ecclesiastical lands, nor the existence of feudalism in America before the Spanish conquest, in England before the Norman conquest, in Gaul before the Frankish conquest, in Egypt and Asia Minor before the Roman conquest, or in the various countries of the Orient. Nor is Dr. Stubbs consistent. On one page (251 *n*) he tells us that Montesquieu's view, (namely, that the bond of amity in feudalism was the connection of classes in subordination to one another) though accepted by the learned Eichhorn, has since been entirely refuted by Dr. Waitz, whilst, on another page (256), he describes "feudal government (as) a graduated system of jurisdiction based on land tenure, in which every lord judged, taxed, and commanded the class next below him;" and thus contradicts himself and discredits his author. In short, the opinions of Dr. Stubbs as to the origin and nature of feudalism, seem very much confused and contain but little that had not already been said and said much better by the illustrious Hallam, Robertson and Guizot.

CHAPTER V.

HIERARCHICAL ORIGIN OF FEUDALISM.

Feudal systems of Asia, Africa and Aboriginal America—They all sprang from hierarchies—Were all associated with inalienable lands consecrated to the Church—Synchronism in the rise and fall of all hierarchies and feudal systems—Recent case of Japan—Feudalism always marked by vicarious government—European feudalism began with Julius Cæsar and ended with the Reformation—It was strictly confined to the Roman empire—The deification of Julius Cæsar rendered it necessary to surround him with descending ranks of nobles and priests—Such involved systems of caste peculiar to all hierarchies—Roman nobles and priests were similarly ordained: a proof of their hierarchical connection—The Roman hierarchy and feudalism rose and fell and flourished and faded together—Benefices, their origin, nature and history—Avidity and great wealth of the pagan church—Its lands, tithes and slaves—Gratian confiscates them—Theodosius bestows them on the "christian" church—The Barbarian Conquest, an invention by the monks—The barbarians did not destroy; they conserved the Roman empire—Gradual growth of feudalism—Proconsuls, who under the Commonwealth, were merely imperial officers; under the empire, became feudal monarchs—Clovis, Theodoret, Sigismund, Athaulf—Ancient roots of certain customs of feudalism—Renewals and reliefs—These found in the Julian charters—Patron and Client—Land grants—Military service to nobles—Slavery—Emphyteusis.

PHYSICAL science has taught us the advantage which is sometimes to be gained by examining the spectrum of an object, rather than the object itself. It is in photographs that we now study the glimpses of the moon and from the analysis of light and the nature of gases, that we gather the story of the stars. In somewhat similar manner let us endeavor to read the riddle of European feudalism by examining such accounts as have reached us of feudalism in other countries. These comprise India, China, Japan, Persia, Babylon, Syria, Egypt, and Mexico, whose feudal systems are mentioned elsewhere.[1]

A striking discovery rewards us at once. It is impossible not to notice that in all these countries the government was a sacred one, that it promulgated sacred laws, that it exercised ecclesiastical powers, and that the chief magistrate was a priest, usually the high-priest, and in some instances was worshipped as a god. Thus feudalism and

[1] See Appendix A and the authorities therein adduced. Some of these, (for instance, Prescott,) are unwilling witnesses. It is therefore to the facts they narrate and not the opinions they advance that reference is here made.

sacred government are found together. Nor is this connection merely accidental, but natural and inevitable. Take the case of a feudal benefice in Ceylon described by Fa-hian, who visited that country about A. D. 400. He says that the king ordered the clergy to repair the roads and decorate them for a religious procession in honour of a relic tooth of Buddha; that he (the king) took charge of another religious ceremony relative to the death of an arhat; that he had the right of access to the sacred depositories; and that he was a devout follower of Buddha; from all of which it is evident that he was a priest, probably the high-priest, as well as a king, and that his government was a sacred one. Having determined to consecrate a new vihara for a community of priests: "First of all he provided for them a grand banquet, then selecting a pair of strong working-oxen, ornamenting their horns with gold, silver, and other precious things and seizing a beautiful gilded plough, the king ploughed the outlines of an allotted area (about fifteen acres) and ceding all right over the land, houses and people, within such area, he presented the whole to the priests, with a metal plate, containing the following inscription:—'From this time and for all generations hereafter, let this property be handed down from priest to priest and let no one dare to alienate it or change the character of this grant.'" A similar ceremony was observed by the pontifex-maximus of Rome at the consecration of temples, monasteries and cities;[2] a similar character of inalienability is found attached to the earliest Roman benefices; and a similar disposition was made of the people dwelling upon property granted to the church. The sovereign of Rome, like the monarch of Ceylon, virtually "ceded all right over them;" they became attached to the land; and thenceforth belonged to its sacred beneficiary, as feudal vassals. They could not even be conscripted for the military service of the empire.

Altars, temples, monasteries, shrines, sepulchres, cemeteries, ecclesiastical lands and all other things consecrated by the Roman pontiff, were inalienable. The ownership of them vested in the church and could not be transferred. Whatever was thus consecrated was ever afterwards inapplicable to profane uses. That which belonged to the gods could not become the property of a mortal.[3]

[2] Adams, Roman Antiq., 61, 62.

[3] Pliny, Epist. IX, 39, X, 58, 59, 76; Macrobius, Sat., III, 3. In respect of Cicero's house and in some other exceptional cases, the property, after being forfeited to the church, was restored to its former owners; but this could only be done after the formality of a successful appeal to the Sacred College and a unanimous vote of the Senate in its favor; both of them very rare and difficult processes. Cicero, pro Domo sua; Ferg., III, 43.

In searching for that substantial synchronism between hierarchical government and feudalism, which if our conclusions be well founded, should attend both their establishment and overthrow, the historical evidence, except in a single instance, is either confused or lost. Arabian feudalism submerged that of India; Mantchu feudalism that of China; Roman feudalism that of Asia Minor and Egypt; and Spanish feudalism, the feudal systems of Mexico and Peru.

The exceptional case relates to Japan, where the native feudal system, instead of being mingled and confused with other feudal systems, or lost in the unknown institutes of an ancient government, perished in recent times and from an obvious cause. The feudal system of Japan fell in the domestic revolution of Meiji, it perished on the day that the Mikado abjured Bramo-Shintoism, renounced his claim to divine origin and authority, and became a Tenno, or temporal sovereign, armed only with mortal powers and professing the more ancient and simple creed of Buddhism. The daimios and higher clergy were compelled to surrender to the imperial crown their usurped prerogatives of private war, justice, spiritual dictation, military control, subinfeudation, revenues, coinage, etc., their troops or retainers were dismissed, their strongholds were occupied by imperial forces, their lands became vested in the imperial government, and their mints were closed forever.

The synchronism in the fall of a sacred government and a feudal system, which this case presents, corroborates the theory of their interdependence, and renders it unnecessary to search any farther for the nature and origin of European feudalism. It is now seen to have been that condition of society (and it may be added, of land tenures,) which naturally and inevitably results from hierarchical government. It was an implied article in all sacred constitutions. The characteristics by which it has hitherto been identified, are accidental and not essential. They are derived from institutes older than feudalism, but adopted and altered by feudalism until they became identified with it. The essential characteristic of feudalism everywhere, is hierarchical, and therefore vicarious, government; with which it always, and without which it never, existed. The deification of man is an insult to Nature, who avenges herself by branding the impious worship with a lasting defect. The unnatural character of an hierarchy is manifested in its continual tendency to govern vicariously, and therefore to govern badly. It is a form of government which is born with a fatal disease. It is the product of a blasphemous fiction, to maintain which it is always obliged to exercise its powers indirectly. The resulting proctorage

and sub-proctorage of authority and the multiplication and subordination of titles, ranks, offices and landed estates, constitute what is known as a feudal system. [4]

The history of Roman feudalism accords with this view. It began, in point of time, with the Sacred government established by Julius Cæsar and is unmistakedly manifested in the charters of government and rights of coinage granted by that pagan divinity and his divine son Augustus.[5] It ended, in point of time, with the protestant reformation of the 16th century. It was limited in territorial extension by the actual boundaries of the Sacred empire. It prevailed in every country which that empire included and was nowhere to be found beyond its confines. Certain extrinsic or accidental forms which it took, were due to those peculiar roots—such as patron and client, emphyteusis, Roman slavery and the Roman military system—which lay in the ground before feudalism was planted. Its hierarchical origin is betrayed in every feature. Its inalienable lands, its benefices, fiefs, or feuds, were all of ecclesiastical origin: its systems of civil and religious subordination of ranks, were organized upon a common basis and connected together. Indeed the prayers, confessions, fastings, baths, vigils, vows, red-robes, tonsures, and other ceremonies and observances of knighthood, often render it difficult to determine where the priest ended and the noble began. [6]

If it be asked why feudalism is regarded as the natural embodiment or outcome of a Sacred constitution, the answer is that while temporal monarchs are enabled to strengthen their power by direct personal

[4] Grants of land on condition of performing military services are of the highest antinquity. Lycurgus made grants of this character in Sparta. Pinkerton, "Origin and Progress of the Ancient Goths," p. 139. Similar grants are attributed to Romulus and Alexander. Sylla settled his veterans upon the lands of Fæsulæ, Cortona and Arretium. Julius Cæsar granted the lands of Capena and Volaterra to his veterans upon condition of military service. Augustus made similar grants. Alexander Severus granted lands upon a similar tenure to the duces limitaris, or dukes to whom he committed the safety of the limits, or frontiers. Probus made grants of land in Isauria to his veterans on condition of military service. Vopiscus, in Prob., XVI. Selden, 298, regards these grants as feudal. Grants of like nature, made by this emperor in Gaul and Britain, are alluded to elsewhere in the present work.

[5] Lenormant, who brought an intimate knowledge of coins and great learning to the elucidation of the Right of Coinage, tried hard to avoid admitting that the sovereign-pontiff of Rome was the lawful suzerain of the European princes, but at last conceded the point by having to employ the terms "l'emperor suzerain et les rois vassaux." See "Monnaie dans l'Antiquité," II, 197.

[6] In a moment of inspiration Sir Francis Palgrave almost hits upon the truth: "The first chapters of the history of feudality must be sought in the decrees of the Senate and the rescripts of the Cæsars." Eng. Com., I, 77.

contact with, and influence over, their subjects, sacred monarchs are obliged, by the loftiness of their supernatural pretensions, to withdraw from the public gaze and forego the advantages of contact and popularity. They dare only deal with that exalted classs, the kings, cardinals, or comes palatini, whom they have placed next to themselves in rank. The deified Julius appears in his statues and coins covered with a veil. Augustus was repeatedly absent in the provinces, whence he returned to Rome always in a secret manner. In the city he dwelt in a retired portion of his palace, a lofty chamber, which he called Syracuse, and he commonly supped alone. [7] Tiberius, though he found it necessary to protest himself only a mortal, retired from public observation to the shades of Capri. To the last, the emperors of Constantinople lived in seclusion, governed the empire by proxy, and were to be approached only with difficulty, mystery and the most servile homage. [8]

The exclusive relations thus established between the sacred monarch and the nobles or priests who surrounded his person, soon came to be repeated between those nobles and the rank next below them. For the same reason that the monarch dared only govern through his paladins, the paladins could not permit themselves to be approached too closely by the people. Another barrier between the artificially exalted monarch and the artificially degraded people, another social rank, thus had to be formed; and so it went on, until the lowest substratum of the civil order was reached. This involution of rank, which included both the laity and clergy, was soon followed by an involution of political powers and obligations, which, being thus deprived of all centripetal and centrifugal force, now only extended downward to the vassal, or upward from the vassal, through an involved succession of superiors, ending with the supernally exalted monarch. Such involution of rank, political powers and obligations, is peculiar to feudal systems. It is born of Sacred government, grows with its growth, weakens with its decay and disappears with its overthrow. [9]

[7] Suet. Aug., 72-76.

[8] Julius Cæsar introduced the kissing of the foot in Rome and wore a golden slipper for the ceremony.

[9] Suetonius in Galba 10, informs us that that prince surrounded himself with a privileged body of evocati. Another name for privileged persons was beneficiarii. Evagrius, book II, chap. X, states that the Sacred emperor Leo (the Thracian) about A.D. 458, sent Diomedes, "the Silentiary," upon a mission to Timotheus, bishop of Alexandria. Hereupon his commentator explains that Silentiarii, or domestici, or protectores, or cubicularii, were "officers of the highest honour about the emperor," that is to say, similar to

Social arrangements of this character not only naturally result from an hierarchy, they never can be fully enforced or perpetuated without the aid of an hierarchy. Thus feudal subordination requires the assistance of sacred sovereignty, no less than sacred sovereignty needs the support of feudal subordination. These institutions are complementary to each other, and where one is found the other is seldom far off. To look for either of them in a social system utterly destitute of the other, for example, to look for feudalism among the pagan Goths of Scandinavia, is a pursuit which can be attended with no profitable result. No Gothic chieftain ever governed by proxy.

At the very outset of the Roman imperial constitution, a tendency is to be observed toward the creation of an involved system of caste. The pagan ecclesiastical establishment, so far as its details can be gathered from the meagre evidences left to us, was already organized in this manner. The pontifex-maximus, the patrician flamines, of whom the flamen dialis was distinguished by a lictor and the right to enter the senate, the twelve palatini or patrician priests of Mars, the plebian flamines or minores, and the ministri, were thus related to each other. [10] The ancient involved castes of patrician, plebian and freedman furnished the basis of this relation which distinguished the orders of imperial nobility. Both the ecclesiastical and temporal systems of aristocracy were matured and developed by the Sacred constitution, whose Sacred emperor furnished the connecting link between them. Mr. Bryce notices the analogy between medieval priesthood and knighthood and very shrewdly suspects its source. Says that accomplished author:

"Knighthood was constructed on the analogy of priesthood and knights were conceived as being to the world, in its secular aspect, exactly what priests, and more especially the monastic orders, were to it in its religious aspect; to the one body was given the sword of the flesh, to the other the sword of the spirit; each was universal, each had its aristocratic head. Singularly too, were these notions brought into harmony with the feudal polity. Cæsar was Lord Paramount of the world; its countries great fiefs, whose kings were his

the evocati of Galba. They occupied in the palace an apartment next to the emperor's inmost chamber. The Silentiarii were so called by the reason of the silence they kept in reverence of the emperor. Beyond them, in a further apartment, was a lower rank of silentiaries, through whom it was necessary to approach the clarissimi or higher grade. "In this divine hierarchy (for such it is frequently styled) every rank was marked with the most scrupulous exactness and its dignity was displayed in a variety of trifling and solemn ceremonies which it was a study to learn and a sacrilege to neglect." Gibbon, II, 24.

[10] Auctoratos, in tertia jura ministros. Manilius, V, 350.

tenants in chief, the suitors of his court, owing to him homage, fealty, and military service against the infidel." [11]

The sovereign pontiff of Rome in his capacity of high-priest communicated his instructions to the parish clergy or curates through the successive intermediation of the Sacred College, the legates, and local bishops. In a similar manner, in his capacity of emperor, he reached the citizens usually by expressing his wishes to the consuls, or the privy council, who communicated with the senate, who directed certain equites or knights [12] to make known the pleasure of the prince to the people. When these communications were addressed to the people of the provinces they passed through several other intermediaries, the number of whose ranks always tended to increase and never to diminish. For example, Galba, in addition to the Twelve consuls, or councillors, or Counts of the Palace, appointed a special and privileged corps of equites, evocati, or beneficiarii, to surround his person. [13] Constantine added many new ranks of nobility. Whenever a prince, like Nero, was too human to sustain the unnatural character of Sacred emperor and disregarded the super-imposed castes and social barriers which had been created to protect it, he brought the empire a step nearer to that dissolution which was its inevitable destiny. [14]

From the moment of the establishment of the Sacred empire occurred an exaltation of the superior orders, a relative degradation of the lower ones, and a continual addition of new intermediate grades to the social system. The patrician was drawn closer to the sovereign and the plebian nearer to the slave. [15] Colquhoun, after a careful investigation of the laws that determined the status of the various social grades, declared that the plebian of the empire was hardly better off than the peasant of the medieval age; while Reitemeier states that in some districts or provinces of the empire the native inhabitants were doomed to a vassalage which enabled their persons to be bargained or conveyed away, together with the mines, to the nobles who farmed the revenues of the latter. One is the opinion of a

[11] "Holy Roman Empire," p. 251.

[12] Previous to the establishment of the empire the equites were only distinguished by wealth and (generally) good birth.

[13] See a previous note; also Dio., XLV, 12.

[14] Sometimes the streams of proctorship intermingled, as when the pontifex-maximus communicated his decisions through the Sacred College, the Senate, and the civil magistrates; but the principle was the same; government by proxy.

[15] So early as the reign of Tiberius, there were already three grades of counts. Selden, Titles of Honor, 296; Suet., in Tiberius.

lawyer; the other of a miner. The history of the pagan College, from the æra of Julius Cæsar to the beginning of the fourth century, has perished; but if we are to credit the intimations of Cyprian or the researches of Dupin or Mosheim, a similar movement marked the ecclesiastical orders of the empire. The change of religion had no effect upon it. Many of the early Christian presbyters were promoted to be bishops, and the bishops to be primates, who were to stand next in rank to the high-priest; whilst on the other hand and even before the time of Tertullian, the laicus was distinguished from the clericus and taught to duly venerate a profession, the humblest menber of which derived his official warrant from Heaven. Indeed the feudal system of caste, as well as of land tenures, is so interlaced with the Roman ecclesiastical organization, that, after both are regarded with attention, it will be found to be quite impracticable to describe them apart. The principle of vicarious control coloured them both alike.

Hierarchies in a primitive state, which governed only a small or scattered population, may have existed in the absence of such a system of caste; but no important or populous hierarchies have been without one. At the outset, such systems were commonly sustained by the force of that superstition which permitted the creation of the hierarchy. As time advanced and the superstition declined, the caste system usually sought for other support, and found it in those mutual relations or obligations between approximate classes, which had sprung up in the meanwhile. These relations were the favour of church or palace, procured by the superior, and of service, performed by the inferior. As the former declined in value and the innumerable slaves of the empire were gradually liberated by the barbarian revolts, the caste system, though somewhat shaken, slowly but surely regained its footing, through those grants of ecclesiastical property which the church had made upon usufructuary tenures.

In the remoter provinces, for example in Britain, the break in this system, that is to say, in Roman imperial government, lasted a longer time than in Italy, or the provinces near to it. This break or interval is to be measured from the termination of the pagan to the beginning of the christian hierarchy; an interval that always increased with the distance from Rome. Feudalism existed in both hierarchies. No feudalism is to be perceived during the interregnum, where any interregnum occurred between them. It therefore seems difficult to avoid the conclusion that the essential cause of feudalism was hierarchical government; that involved social castes and involved tenures of land were characteristics of feudalism, due to its hierarchical ori-

gin; and that the accidental or extrinsic forms of the already involved land tenures, so much dwelt upon by writers on feudalism, are attributable merely to the peculiar circumstances and social relations of ancient Rome, out of which they sprang.

The lands of the church, or ecclesiastical organization, were not alienated by grants conveying absolute or allodial tenures.[16] They belonged to that Lord of Heaven who was ready to receive unconditionally, but never to unconditionally grant. Such lands could not be sold. Mortmain held them; they were inalienable; their usufruct alone was negotiable; the grant or conveyance of such usufruct constituted a benefice or fief; and in after times, when this was paid for with the services of freedmen, instead of money, it was called a feud.[17]

Originally, beneficiaries—beneficiarii—far from being bound to military service, were especially those who were exempt from it, or from some feature of it; and who had obtained this benefit or favour, by privilege, indulgence or purchase.[18] During its three or four centuries of constantly declining vitality, the pagan imperial church was usually the framer and always the custodian, of wills and testaments. Many pious or priest-ridden pagans appointed the pontifex-maximus their soul heir, or, together with their children, the joint heir, of all their possessions. In the reign of Augustus some dying persons provided by will that an offering should be made to the church in gratitude for the signal favour that the Son of God, as they esteemed their emperor, had appeared on earth during their own lifetime.[19] From these and other superstitious sources the pagan church acquired immense landed estates in every part of the empire. These estates were worked by slaves; who by reason of their civil condition and the service in which they were employed (both priests and slaves being alike privileged) were exempt from military service.[20]

The attempt which Gratian made to confiscate this vast possession

[16] Higgins, while hunting for a solution of the feudal system, made a curious stumble; but in truth his intellectual power here seems to have failed him; and he died before this part of his work was printed.

[17] Muratori, cited in Robertson's Charles V., I, 225. Note H, sec. iv.

[18] Festus, Caes., B. C. I, 75; Tacitus, Annals, I, 17; Hist., I, 46; Pliny, Ep., X, 32.

[19] Ferguson's Roman Republic. V, 133. From Suetonius.

[20] In his chap. XXVI (vol. II, p. 593,) Gibbon, writing of the reign of Valens, alludes to the "immense sums of gold supplied by the provincials, to compensate their annual proportion of recruits." When such military service was demanded by provincial nobles and made the condition of holding lands, it was evidently of feudal character. Such a noble was Maximus, who was then duke (dux) of Thrace.

cost him his throne and life.[91] Theodosius was more successful. In vain did Symmachus protest that the estates which had been sacredly devoted to the temples, the vestal virgins, and the officers of religion, were now "withheld by the Treasury." The Senate had received its instructions; and when it formally adopted christianity as the religion of the empire, and by virtue of this legislation, the pagan hierarchy was instantly superceded by a christian hierarchy, the latter became the lawful heir to the possessions, livings, and revenues, of the former. Instead of being steeped in poverty, as some have supposed, the christian church, when it began its official career, was the owner de jure of probably one half of the lands and one fourth the entire population of the Roman empire. No wonder that, as Dr. Taylor intimated[92] the pagan priests followed the livings and revenues, and declared themselves christians, that they might continue to enjoy them.

Nor did this vast wealth diminish with time. Said Chilperic some two centuries later: "Our exchequer is impoverished, and all our riches are transferred to the clergy; none reign now but the bishops, who live in grandeur; while we are quite eclipsed." Charles Martel found all the landed estates of the kingdom in the hands of the clergy. They had even acquired "a great part of the allodial estates." To remedy this, he proceeded at first to strip the altars and release the estates; afterwards he made a friendly compact with Pope Gregory III., thus verifying Chilperic's maxim about the monks: "Crows do not pluck out each other's eyes."[93] Pepin, unable to get back for the church all the property confiscated by Martel, issued precaria. They had previously been issued by Obroin, Mayor of the Palace. In this manner the new monarch loaded the church with benefits. "So great were the donations made to the clergy that under the three races of our kings they must have received the full value of all the lands of the kingdom several times over." This avidity of the church was a continual source of dissension between the temporal and ecclesiastical powers.[94]

It was the desire of exemption from military service and ecclesiastical vassalage, on the part of the provincial population, rather than

[91] Nero had previously sacked the churches at Rome to rebuild the city after the great fire. Tacitus Annals, XV. 45. Diocletian and his imperial coadjutors (except Constantine Chlorus) demolished the now so-called christian and other heretical temples, sold their properties at public auction and covered the proceeds into the imperial fisc. Gibbon, chap. XVI.

[92] Diegesis, 147.

[93] Gregory of Tours, VI, 46.

[94] Montesquieu, (London ed.), II, 339, 340, 342.

any rage for lands on the part of the Goths, which resulted in the disloyal coalitions and revolts that have been erroneously regarded as a Barbarian Invasion. The right of choice between the hastily constructed barbarian laws and the mature Jus Romanum proves the coalitions,[25] while the acceptance of christian hierarchical castes and titles by the barbarous Gothic chieftains who had rebelled against imperial investiture, proves that no conquest took place; for how can that be regarded a conquest in which the victors became the vassals of the vanquished?

Although the church was gradually induced to emancipate its rebellious slaves, it always held on to the title of its lands. Its usufructuary grants of these lands—employed as bribes to sustain its popularity or to satisfy the demands of vassals preferring to wear its yoke rather than submit to imperial investiture—were called benefices. The estates thus granted were known as fiefs. If they acquired this name, as some have contended, from the Latin word fides, meaning faithfulness or fidelity, [26] it is quite as likely to have meant fidelity in religion as in war. The holders of ecclesiastical lands, to which many allusions are made in the Lombard and other barbarian codes, paid for their use, not with military services, but with produce or money. [27] Their military services were due to the Gothic chieftain, by whose assistance they had been emancipated from ecclesiastical or other slavery. Thus Chilperic, king of Soissons, exacted a fine, bannos jussit exigi, from certain vassals who had neglected or refused him military service. Childebert II., king of Austrasia and Orleans, levied similar fines for a similar refusal. [28] These vassals could hardly have been unromanised Franks, because this class served their chiefs voluntarily and for the sake of glory, plunder, or revenge. They probably belonged to the class of Roman freedmen, who were willing to pay allegiance and tribute to the church, so long as they could choose their own priests.

If it be doubted that the possessions of the church were vast enough and its usufructuary grants numerous enough to create a system of land tenures which prevailed for many centuries, it is only necessary to briefly recall the circumstances of its growth. During the Commonwealth the priests served for glory and without pay; the expenses of the ecclesiastical system were very slight; and they were met by the sacred share of the spoils of war, by voluntary contributions, or else by a portion of the ordinary revenues of the state. The worship

[25] Robertson, I, 314.
[26] Cicero, De Off., I, 8.
[27] Du Cange, voc. Beneficium.
[28] Gregory of Tours.

of Julius and Augustus added a vast number of new temples, shrines, sanctuaries, monasteries, and religious houses to those which previously existed. [29] Before Gratian commenced his work of religious reformation there were in the city of Rome alone no less than four hundred and twenty-four pagan temples or chapels. [30] All these temples necessarily possessed lands, and these in the midst of so rich a city must have been exceedingly valuable. A similar multiplication of religious temples occurred in all parts of the empire. A common mode of propitiating the deified emperor was to erect a temple consecrated to his worship. [31] The number of religious rites, ceremonies, and festivals was also greatly increased, and these required a vast addition of prelates, priests, and clerks, whose numbers, owing to their exemption from military service, never failed to overflow the bounds of requirement. Neither the offerings of the pious, nor the sacred share of the spoils of war, were any longer competent to meet the cost of such a gigantic establishment. Many patricians and wealthy citizens, disgusted with the worship of Julius and Augustus, or fearing persecution under the lex crimen majestatis, withdrew to secluded places, where there were neither temples nor deified emperors. In this manner the church lost a portion of the offerings which it had been accustomed to receive from this class There were no more kingdoms to conquer; the temple of Janus was thrice closed by Augustus; the spoils of war greatly declined; and the sacred share had dwindled to almost nothing.

[29] During the Commonwealth the priesthood got little or no emolument and served the public "for the bare honour of their dignities." Nor were they exempt from military service. After the subversion of the Commonwealth and erection of the hierarchy, Augustus and Tiberius "were forced to settle large appointments upon the clergy, ut dignatio sacerdotibus acciderat, to give authority and reputation to the order." Moyle, I, 39, 49, citing Suet. in Aug. 31 and Tac., IV, 17; Livy, IV; 59, and Dionys., p. 66. Moreover, they obtained the privilege of military exemption—beneficio. During the Commonwealth the magistrates took especial care to prevent religion or superstition from becoming a source of profit to priests or diviners; gifts or bequests to the clergy were forbidden or regulated; and those who sought to evade these restrictions were known by the opprobrious name of æruscatores (swindlers). Moyle, I, 40, citing Cicero de Legg., II, 19; Livy, IV, 30; XXV, I; Ovid de Pont.,II; Aul. Gel., XIV., I; Phæd., 3; and Fab., 20. After the subversion of the Commonwealth these restrictions were removed, with the result that the land and territories of the people became rapidly absorbed by the priesthood (consecrated to the gods), after which they could not be alienated. Diod. Sic., p. 425.

[30] Gibbon, III, 72.

[31] Nero had a daughter by Poppæa. This infant died at the age of four months; "she was canonized for a goddess, a temple was decreed to her with an altar, a bed of state, a priest, and religious ceremonies." Tacitus, Annals, XV, 23.

To make good these deficiencies it was natural that the sovereign-pontiff should seize every opportunity to endow the church with conquered lands, abandoned and confiscated properties, and the possessions of intestates. The agency of the hierarchy in the preparation and preservation of wills, also afforded it opportunities to influence the granting of legacies by private persons for the support of religion. Bequests to the church in gratitude for the favour of the testator's having breathed the same air as the divine Augustus, have already been cited, and when it is remembered that even after the light of the gospel was thrown upon the darkness and superstition of these ages, men voluntarily enslaved themselves to churches, and, to save their souls, degraded their persons to the ranks of sensuales or ministeriales, it cannot be doubted that bequests of lands and slaves to the pagan church, were common.[88] In these and in other ways the occasional tithes of war were supplanted by the regular tithes of superstition, and these, augmenting during four centuries of time, could hardly have resulted else than in making the pagan church the wealthy proprietor described. Montesquieu's array of evidence on this subject must be regarded as conclusive.

That the feudal system of Europe was of Roman hierarchical origin is thus proved by the invariable connection found to exist in countries outside of Europe between hierarchical governments and feudal systems; by the synchronism of their rise and fall, as illustrated in Japan; by the reason of their connection, which is due to the necessity of artificially axalting the sacred monarch, a proceeding which results in government by proxy and in the creation of an involved system of caste; finally, it is proved by the usufructuary grants of ecclesiastical property.

No such system as this, no government by proxy, no feudal system, existed among any of the barbarous tribes who are credited with the destruction of the Roman empire; it was foreign to the simplicity of their social organisation; it did not fit their wandering life; it could neither have been established or maintained without the assistance of that art of writing, of which, until after the period of their imaginary conquest of the Roman empire, they appear to have been sub-

[88] The oblati placed themselves and their effects under the protection of a particular temple or monastery, binding themselves to defend its privileges and property against all comers; the censuales paid an annual quit-rent out of their estates to a temple or monastery, and, besides this, bound themselves to perform certain services in return for its protection; the ministeriales became absolute slaves "in the strict and proper sense of the word." Robertson, Note XX; Potgiesserus, de statu servorum; Du Cange, voc. Oblatus, etc.

stantially ignorant. Long before the barbarians compiled those codes of law in which marks of the feudal system have been observed, long before the barbarians had practically mastered the art of writing, and in some instances, before they had any existence at all as separate communities, the elements of feudalism had been established within the Roman hierarchy, awaiting only the effects of time to mature them into a complete system.

The characteristics by which feudalism is to be distinguished from any other social system are now before us. These are hierarchical government; vicarious control and vicarious allegiance; involved arrangements of temporal and ecclesiastical castes; involved tenures of land; inalienable property; and usufructuary grants. The first two marks attend feudalism from the outset; the others grow out of them, and become attached to it as the system matures. After the affairs of an empire are caste into new forms and relations by the establishment of an hierarchy, every incident of social life, though previously free from feudal taint, assumes a feudal form. In other words, feudalism breeds feudalism, and continues to breed it, until the hierarchical cause is removed. Feudal marks are therefore endless; and as they belong to various ages of the system and derive local colour from local peculiarities, their employment as criteria is often perplexing and misleading. The mark of vicarious control and allegiance is however a tolerably sure guide in all cases. It begins at the beginning and does not disappear even when the system is destroyed; but survives for ages in forms and customs that convey no suspicion of their remote and impious origin.[23]

It is because the mark of vicarious government is found in the Judean charters and not on account of the presence or absence of provisions for military service, that we have ventured to regard them as feudal. The kingdom which Herod held of Cæsar was granted by the Roman emperor for the same reason and substantially upon the same terms that Charlemagne afterwards granted a government to John of Fontes: "In order that the said John and his descendants may enjoy it without trouble or rent so long as they remain faithful to our crown." Fidelity to the crown here implies military service. In the case of Herod such service was actually accorded, and when the Herodian princess of Judea sought the favour of the reigning emperor of Rome, they never forgot to remind him that Antipater had furnished one thousand five hundred troops to the deified Julius during

[23] The title by which a British chieftain was permitted to rule the Regni, namely, Legatus Augusti, implies a feudal tenure.

his campaign in Egypt and that they remained in a similar manner amenable to the requirements of the crown.[34]

Yet it was not this military service that made a fief of Judea, any more than it was military service which proves the feudal fief of Fontarabia. The proconsuls of Rome governed provinces larger and more populous than Judea, or Fontarabia; they were appointed at Rome; their powers included the levy and command of the legions and the administration of justice, imperium et potestatem, as well as the collection and disposal of the revenues: they were obliged to furnish such military service as the government at Rome required. Whatever they might have become after the accession of Julius Cæsar, no one pretends that before that event the proconsuls were feudal officers, or that the Roman provinces were feudal fiefs.

What mark is it then that distinguishes Herod's charter from that of a proconsul under the Commonwealth? The mark of vicarious government. In the case of Herod the military service or tribute reserved by and due to Cæsar was not owing by the inhabitants of Judea, but by Herod. The fidelity, or military service, reserved by Charlemagne and the rent which he renounced, were not owing by the inhabitants of the Spanish March, but by John of Fontes. Herod was a king by favour—benefice—of Cæsar: John was a marquis by favour of Charlemagne. This is proved by the necessity mentioned in both cases, of their having to obtain confirmation or renewal of their charters. Herod and his successors were obliged periodically to obtain a renewal of their kingship; John and his successors were compelled to obtain similar confirmations of their marquisate. This ceremony was intended in both cases to remind the incumbent that his paramountship was incomplete, that he was merely an agent or vicar of the supreme sovereign, and that he must pay a relief upon each renewal of his vicarship. In both cases the government of the people was vicarious. In the first case Cæsar governed Herod, and Herod governed the Jews; in the second, Charlemagne governed John and John governed the Fontarabians. After the granting of Herod's charter, Cæsar had no more legal right to enact laws or levy troops in Judea, than Charlemagne in Fontarabia.

The proconsular governments of the previous period were conducted upon a far different theory. The provincial law was the same as the law of Rome; and even when modified by the proconsul, to meet local requirements, the modification was made conformably to Roman law. The proconsul was an officer of that law; he could be

[34] See Appendix B.

impeached, degraded, or recalled at pleasure of the Senate; the powers which he exercised, whether military, judicial or fiscal, were exercised for and by the Roman government, which had the right, at any moment, to modify them or take them back into its own hands.

Under the empire, the proconsul gradually became a feudal monarch, he appointed a privy council, consilium, he created contubernales or counts and other (lower) orders of nobility. Under a Julian law, coeval with the very origin of the empire, the proconsuls laid military or other charges upon cities or lands.[36] The naviculariі performed services which descended to their sons and heirs, and enjoyed estates and privileges in return.[37] These are clearly feudal services and feudal marks. Under the Commonwealth the government of Rome had nothing vicarious about it, and always sought to be in touch with the people, whether of Italy or the provinces. Republican proconsular government grew out of the vast extension of the empire and the impracticability of governing it from a single capital. Feudal proconsular government grew out of that Sacred constitution which placed the emperor so far above the people, that he could only govern them vicariously.[37]

Reluctant to admit the validity of the proofs herein advanced in favour of the Roman origin of the feudal system, there are some writers who persist in repeating that no system of government could have outlived the destruction occasioned by the Barbarian Conquest of the empire, and that therefore the feudal system of the medieval age must have been of later or barbarian origin.[38] This kind of logic would make the Civil Law itself a product of barbarism. The reply to it is that, in the sense of overthrow or destruction of the Roman empire, there was no Barbarian Conquest. Except Attila, the Hun, there was no destroyer among the barbarians. On the contrary, they conserved all they could; institutions, government, laws, temples, arts, and even titles and ceremonies.[39] Clovis exulted in his Roman proconsulship; his son Theodoret received Provence, which the monks inform us was the fruit of his battle-axe, as the gift of Justinian; Sigismund, the Burgundian king, who was created a Patrician and Count by Anastasius, professed the deepest gratitude and strong-

[36] Cicero, Att., v, 16, 21.

[36] Code Theod., and Commentary of Valesius appended to Evagrius, bk., II, chap. 9.

[37] In another place it is shown that as the feudal system matured, another grade of nobles was created between the Roman court and the proconsuls. These powerful officers were known by the title of prætorian præfects.

[38] "The Drama of Empire," by W. Marsham Adams, B.A., London, 1891, p. 128.

[39] Lanciani's "Ancient Rome."

est fidelity to that Eastern court, which, we are informed, was powerless either to help or hurt him. Said Sigismund, writing to Anastasius, by the hand of the bishop Avitus; "My people are yours, and to rule them delights me less than to serve you. The hereditary devotion of my race to Rome has made us account those the highest rewards which your honorary titles convey. We have always preferred what an emperor gave, to what our ancestors could bequeath. In ruling our people we hold ourselves only your legates. You, whose Divinely appointed empire no barrier bounds, whose light radiates from the Orient to distant Gaul, employ us to administer in your name the remoter regions of the Empire. Our fatherland belongs to your World."[40] Said Athaulf, the Visigoth, brother-in-law to Alaric: "It was at first my wish to destroy the Roman name and erect in its place a Gothic empire, taking to myself the rank and authority of Cæsar Augustus. But when experience taught me that the untameable barbarism of the Goths would not suffer them to live beneath the sway of law and that the abolition of the institutions on which the state rested would involve the ruin of the state itself, I preferred the glory of renewing and maintaining by Gothic strength the government of Rome, desiring to go down to posterity as the restorer of the Roman authority, which it was beyond my power to replace."[41]

These few words are like a phonographic message from the men whose motives and principles we are discussing. They are more valuable than a thousand volumes of windy commentary. After their emphatic testimony it seems unnecessary to adduce any further evidence on the subject. However, if any be wanting, it will be found in the titles assumed, the powers and prerogatives exercised, and the authority and rights universally conceeded, during the middle ages, to both the Roman state and the Roman church. The conquest and destruction of the empire by the barbarians is a tale which was invented by the monks to account for the ignorance and mischief which their pagan predecessors, in the church, themselves had brought about. When the Chinese-pilgrims viewed the ruins of those Indian cities which had been overthrown in the religious wars incited by the Bramo-Buddhist monks, the latter charged the mischief to those wicked people, the barbarians. Such is human nature. It is always somebody else that did it; and the somebody else of the Roman monks, was the barbarians.[42]

[40] Bryce, 18. The original is printed in Migne's "Patrologia," vol. LIX, p. 285.

[41] Orosius, VII, 43.

[42] Numerous and overwhelming evidences that the Goths spared, and the monks

That the feudal system was the product of the hierarchy finds additional confirmation in the fact that whenever the supremacy of that hierarchy was interrupted, the feudal system began to die away; and contrariwise, whenever the power of the hierarchy was restored, the feudal system revived. Thus, when the see of Roman revolted from the Sacred empire and combined with Pepin to form the Medieval empire, the hierarchy, so far as Western Europe is concerned, was temporarily suspended. The empire of Charlemagne, as its emblem indicates, had two heads, not one. The superior and governing head was Charlemagne; the inferior and governed head was the Pope. During the reign of Charlemagne feudalism everywhere commenced to give way; but no sooner did the church regain its ascendancy and restore hierarchical government to the west, than feudalism took a new lease of life. Indeed it alternately flourished and faded, as its hierarchical source of life shone out in splendour, or underwent eclipse.

The Roman hierarchy not only split the empire into pieces, it detached itself, by seceding, from the emperor. It was always the ecclesiastical interest and endeavor to keep apart those political fragments which the pontificate had separated, but the emperor might reunite. This policy it promoted by actively supporting feudalism.[43] The feudal system was entirely opposed to the customs an inclinations of the Gothic race; it was unsuited to its freshness, its strength, its virility, its tendency to increase in numbers, and to its coarseness of thought and language. Nor did feudalism harmonise any better with the physical circumstances of the continent, than it did with the temper of the barbarians. Europe was comparatively new: its lands were scarcely cleared; its resources were substantially undeveloped; it contained scarcely forty millions of people, whereas to-day it easily supports ten times this number. What it needed, to encourage growth, was unity and peace. After the reformation of the sixteenth century, when such unity and peace became possible, Europe soared at once

long afterwards destroyed, the temples, statues, and other works of Roman art and religion, will be found in the reluctant pages of Lanciani.

[43] If the Church ever mistook its friends for its enemies it was during the disturbed period which followed the death of Charlemagne and in which it found itself face to face with the strange institutes established by that eccentric monarch. In this novel situation, wholly without precedent, the Church, instead of seeking support from the feudal lords, made the mistake, not of condemning, but rather of leaning against, some of the features of a system, which in fact was of its own creation and without whose support it could not hope to maintain its supremacy. But it had the sagacity to soon perceive its blunder and reform its policy.

from ignorance to invention, and from indigence to wealth. But such unity and peace did not suit the interests of the sort of ecclesiasticism that governed the dark ages. The policy of that period was feudal separation and private war. The church was quite conscious that the unity of kingdoms meant its own downfall. Accordingly it exerted all its powers to prevent such unity and to foment intestine wars.[44] There is scarcely a quarrel of the dark and medieval ages that cannot be traced to the machinations of the clergy, who derived a profit both from the spoils of war, from the negotiation of truces, which their address and knowledge of letters enabled them to monopolise, and from the dissensions of hundreds of petty and jealous states.

The means adopted to destroy an edifice sometimes afford a clue to its origin, proportions, and character. When the Roman hierarchical government came to an end, what were the measures employed to destroy that edifice of feudalism which it had erected and propped up so long? Was it the abolition of Mr. Hallam's land tennures based upon military services? Not at all. It was the termination of vicarious government; it was the curtailment of intermediate relations between the sovereign and the people. Long after feudalism was substantially dead, the military tenures and castles survived; though now bereft of all political use and soon doomed to be engulfed in the ruins of the mighty social structure of which at no time did they form more than an incidental or insignificant landmark.

Before we take a final leave of the subject of feudalism, it is necessary to justify an opinion which has been more than once brought forward in this connection. This is that some of the extrinsic forms or marks of Roman feudalism, as distinct from other feudal systems, were due to certain peculiar institutions or the peculiar form of certain institutions, of antefeudal, or scarcely yet feudal, Rome.

Among the most ancient of these was the obligation of every plebian to choose a patron from among the patricians. The relations of patron and client were reciprocal, their duties mutual; even cities and nations were under the protection of noble families; as the Sicilians under the Marcelli, Cyprus and Cappadocia under Cato's family, the Allobroges under the Fabii, the Bononienses under the Antonii, Lacedæmon under the Claudii, the Puteolians under Cassius, the Capuans under Cicero, etc. The principle of this system is to be observed in the constitution of the Medieval empire. In 858 the bishops wrote to Louis II., of Germany: "We bishops, sacred to the Lord, are not, like the laity, obliged to attach ourselves to any patron."[45]

[44] See Appendix E.

[45] Guizot, III, 36.

When, upon this very ancient foundation of patrician and plebian, or patron and client, there was erected the superstructure of an hierarchy, the feudal edifice was almost complete. To the two ranks of Roman citizens which this system supplied and to the tribunes and equites of a later origin, were now added the various orders of ecclesiastical aristocracy, capped by a divinity whose tremendous power could easily regulate their various claims to precedence and social rank. These claims naturally adjusted themselves to the demands of that vicarious form of government which flowed from the sacerdotal character of the emperor. Hence followed that involved system and those numerous orders of nobility which distinguished feudalism.

The ancient systems of land-grants and slavery, furnished, in a similar manner, the foundations of feudal military vassalage. In granting conquered lands to its citizens, the Roman government had naturally bound the grantees to provide for the subsistence of the indigenous population [46] and resolved the right to enlist the latter in the army. Thus Tacitus relates [47] of the Thracians (A. D. 26) that "they saw the flower of their youth carried off to recruit the Roman armies." When under the influence of vicarious government the Roman grantees of lands became feudal lords, and the government, instead of dealing directly with the peasantry, dealt with them through these lords, the latter were obliged to exact from the peasantry the same conditions of military service to which they themselves had been subjected by the government, under the penalty of forfeiting their estates.

Under the Commonwealth, vast numbers of slaves were held by Roman partricians upon distant estates. That these slaves (chiefly captives) gained the good will of their masters, seems to follow from the fact that at that period, they were usually permitted to bear their given names. The masters, on the other hand, found it their interest to grant them easy terms of emancipation, such as those of remaining upon the soil as tributaries. Cicero informs us that in his time few sober and industrious slaves of the captive class, remained such beyond a term of about six years, which time appears to have been sufficient to enable them to work out their freedom in the manner described. The danger of servile insurrections and the safety of the

[46] A similar provision, doubtless copied from some ancient law, occurs in the capitulary of A.D. 794: "Whoever holds a benefice from us must take care that none of the slaves die of hunger and must not sell the crops until he has provided for the subsistence of such slaves." Baluze, tom., I, col. 264; Guizot, III, 29.

[47] Annals, IV, 46.

republic promoted that policy of the patricians, which induced them to bind such freed slaves to the soil, as in Russia at the present, or at a very recent day.

When under the empire the necessities of the government compelled it to call upon these patricians for troops, the latter were obliged to commute the tribute or produce, due to them as rent, and accept, in place of it, the military service of their tenantry; and this exchange, the latter were glad to make, because it promised promotion, pay and spoil, while on active service, and social freedom, afterwards. Such appears to have been the origin of that military vassalage which has been so strangely mistaken for the whole feudal system.

Emphyteusis—or that tenure of land which requires the tenant not only to pay rent for the estate but also to continually improve it, failing which double obligation, it shall revert to the original owner—was adopted by the Commonwealth with respect to its public lands about B. C. 146. At this period Greece was a Roman province, the third Punic war was ended, Carthage was destroyed, and Rome was troubled with agrarian agitation. In the course of a single generation this tenure was introduced into the various provinces of the republic; Italy, Carthage, Spain and Syria, as well as Greece. All tenures short of complete ownership have been found to weaken the peasant's incentive to improve the land, but not so efficaciously as this one; which nevertheless was designed especially to promote such improvement.[48] However, it is not to this feature of emphyteusis but to its easy descent into a feudal form, that attention is here invited. There are many circumstances, such as bad crops, absence, illness, or death, under which continual improvement becomes impracticable, and the temptation to exchange an uncertain, for a certain, tenure, even though the latter be burthened with services as well as rent, becomes irresistible. The disappearance of Roman emphyteutical tenures in Gaul, which was conquered a century later than Greece, bespeaks such an exchange of tenures in that province. The circumstances indicate that emphyteusis was carried by the Romans into that province—as it had been into all their other provinces—where it was afterwards, that is to say, before the time of Clovis, exchanged for feudal tenures. There are evidences of its having lingered in some parts of the province so late as the æra of Charlemagne.[49]

[48] This subject has been treated at some length by the author, in his Essay on "Portugal," Lippincott's Magazine, 1872.

[49] Capit., A.D. 813; Bal. t., I, col. 507; Guizot, III, 29. Another feudal feature, the right of heriot, may also be traced to the declining days of the Commonwealth.

Briefly as it has been attempted to treat the subject of feudalism, it already occupies more space in this volume than can well be spared for the purpose; but as it is chiefly upon this system of government and the artificial relations which it maintained between the empire and the provinces or kingdoms of the Middle Ages that the entire history of the latter turns, it has been deemed better in this instance to lean toward amplification, than to risk obscurity.

It must be remembered that the first article of the Sacred constitution of the Roman empire was the deification and worship of Julius the Father, and Augustus the Son, and that this impious article was observed with more or less fidelity by the Roman world until it was undermined by the introduction of the christian faith. The second article was feudalism, or vicarious government, and an involved system of caste or estates. The principal remaining articles will be briefly dealt with in the next chapter.

"As priests, the patricians exercised other vexations over the people. . . . Under pretext of sacrifices, they took the finest ram, the best bull, from the plebian." Michelet, Hist. Rome, p. 101.

CHAPTER VI.

FIRST INSTITUTES OF THE SACERDOTAL EMPIRE.

Informality of the Constitution—After the deification of the emperor and the resulting feudalization of the government, its principal institutes were as follows: The Sacred College and Pontifex-Maximus—Monachism—Cononization—Sanctuaries—Sacred Scriptures—Succession to the throne—Infallibility of the sovereign-pontiff—Crimen majestatis—Inquisition—Excommunication—Legislature—Judicial system—Education.

THOUGH the Romans never possessed a formal Constitution, yet during the Commonwealth such was the simplicity and directness of the government, such the explicitness of its institutes, such the publicity given to its affairs, that to describe the constitution of that period would be a comparatively easy matter. On the contrary, to depict, ever so rudely, the constitution of the Hierarchy, is a task beset with the greatest difficulties. First, because the organic law flowed from the acts of the sovereign-pontiff, many of which acts, though apparently of a secular character, really emanated from the Sacred college of which he was the head, and were made to fit the preëxisting laws and traditions of that organization. Some of these originated in Etruria, others in Greece, Cimmeria, Media, Assyria or Egypt, and are not fully known to us. Second, because under the influence of an hierarchy and of that ever increasing tendency to govern vicariously, which is inseparable from an hierarchy, the operation of the law continually changed, and therefore it cannot be correctly described in reference to any considerable period of time. Third, because notwithstanding their sacerdotal origin the acts of the imperial government were modified by the usages, customs and opinions of the many barbarous nations which Rome had conquered and now included within her boundaries. Lastly, in respect of those exceptional acts of government which did not proceed either from the Sacred college or the Common law, they were of so personal, arbitrary and despotic a character as to be incapable of reduction to rule or institution.

Yet it is upon these personal actions, these whims, caprices, and eccentricities, of often merely ephemeral sovereigns, that history has

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hitherto been grounded; the pagan canon law and common law being left entirely out of view. In relating the annals of the hierarchy, Tacitus said: "The constitution had long been annihilated, the functions of the magistrates were wrested out of their hands, the will of the prince was the law;"[1] and this, coupled with the false assumption that the empire had a secular constitution—a constitution apart from the church—has been the keynote of all subsequent historical writings. But the empire had no such constitution. It was an hierarchy from the day when Julius Cæsar was deified in the Serapion, nay almost from the period of his long proconsulship of Gaul, from whose Druid sages he learnt the potency, without perceiving the defects, of a priestly rule. The constitution regretted by Tacitus is the same one that was deplored by Cicero, who forfeited, in a vain attempt to restore it, what would have been the crowning years of a brilliant life: it was the constitution of the Commonwealth.

Nor was the constitution of the hierarchy an absolute despotism. Cicero in one place clearly points out the fact that as Cæsar ruled the state, so was Cæsar in turn ruled by the circumstances of the state, and in another, he indicates the nature of some of these circumstances, for he says[2] that the state was obliged to obey not only the will of the conqueror but "the will also of those who helped him to power," chief amongst whom were the permanent priesthood, the new aristocracy and the soldiery. Tacitus also admits of Tiberius that "the prince knew the public eye was upon him and resolved, for that reason, to wait." There was therefore a public opinion to restrain that "will of the prince which was the law" and such public opinion in turn largely rested upon the ancient laws and customs and upon none of them so solidly and securely as upon the laws of religion, the Sibylline books, the traditions of the Sacred college, the laws of augury, the sacred rites and privileges of the priesthood—in short the pagan canon law.

In attempting to delineate the institutes of the hierarchy, we are therefore attempting a difficulty, not an impossibility. There was an organic law, not merely a lex non scripta, but also a lex scripta, and although this law has been lost or destroyed, it has left such a deep imprint upon the history of mankind that it is still possible to recover, if not its outlines, yet something of its spirit, tendency and operation.

The deification and worship of the sovereign-pontiff and the sys-

[1] Annals, XI, 5. [2] Letters, IV, 141.

tem of inalienable estates granted by the hierarchy, in its character of emperor, to the hierarchy in its character of pontiff, have already formed the subject of separate chapters. The other principal articles of the Sacred constitution may be conveniently considered under the several heads mentioned in the summaries placed at the beginning of this and the chapter following. The minor articles of the constitution are not essential to the present work. For the sake of convenience, the date of the Sacred constitution has been assumed to coincide with the advent of Augustus A. U. 713, though in point of fact, the hierarchy originated with Julius Cæsar and continued in process of formation during his reign and that of Augustus, and indeed for some time afterwards.

The Sacred College and Pontifex Maximus.—Down to the last quarter of the fourth century, when it suddenly vanished from those pages of history which the monks have chosen to spare, there existed in the capital of the Roman empire, first at Rome, afterwards at Constantinople, a pagan ecclesiastical college, or corporation, whose origin was traced, by the pious, back to the mythical Numa, while some have even extended its antiquity to the still more mythical Romulus. The functions of this college were the superintendence of religion, the custody of the Code of Procedure, the trial and determination of ecclesiastical causes, the regulation of public worship, the erection and custody of religious temples, shrines and sanctuaries, the appointment, government and reward or punishment of legates, bishops, priests, curates,[3] chaplains, augurs, vestal virgins, monks and other ministers and servants of religion, the control regulation and custody of the calendar, the regulation of money, and of weights and measures, (Lanciani,) the education of youth, the direction and observance of religious rites, consecrations, festivals, plays, games and ceremonies, the solemnization of birth, baptism, (or nundination,) puberty, purification, confession, adolescence, marriage, divorce, death, burial, excommunication, canonization, deification, adoption into families, adoption into tribes and orders of nobility, also the registration or custody or both of wills and testaments, conveyances, religious images, paintings, sym-

[3] The priests of Maia were called curetes. This name was derived from the Greek term for tonsured. The curetes were eunuch-monks, who lived in common and had charge of the Maian schools. They swayed their bodies and ambled, or danced, in the processions of Maia. Their heads were tonsured, leaving scalp-locks, crests, or cristas, to top them. Lucretius, II, 629; written about B. C. 55. See also Virgil, Georgics, 151.

bols, scriptures, relics and sepulchres, and of consecrated lands and treasures. The construction of bridges and other public works, which in ancient times had been entrusted to the pontifex-maximus,[4] was during the Commonwealth divested of a religious character and placed in charge of the censors[5] and at a latter period committed to the ædiles (*a cura ædium*) especially when there were no censors[6] and afterwards to the quæstors. The same may be said of the custody of conveyances. With the triumph of Julius Cæsar, the ecclesiastics again secured control of municipal affairs, this time in every city of the empire except Rome and Constantinople, which for a time remained in the hands of a local præfects or governors.[7] Yet so early as the reign of Claudius the paving and repairing of the streets of Rome was taken from the quæstors and the præfects were probably only premitted to superintend such functions and offices as were not not especially renumerative.[8]

The ecclesiastical title to these lucrative prerogatives will be found in those institutes of ancient Rome which rendered sacred, and therefore remitted to the care of the pontifex-maximus, the walls and ramparts of cities and the boundaries of lands; so that the former could neither be erected nor repaired, nor the latter altered, without his authority. Under these institutes the construction and repair of all public works in cities, whether established, or to be established, was claimed for the church. Such works included ports, acqueducts, bridges, castles, walls, temples, baths, roads, streets, sewers, and the repair and cleaning of the same.[9]

So long as these lucrative prerogatives remained with the chief-pontiff, who was also the emperor, the latter had no need to summon either legislature or "estates" for the purpose of granting him supplies. When the sovereign-pontiff ceased to be such, these lucrative prerogatives remained with the chief-pontiff. This compelled the emperor, and, after the 13th century, the proconsuls or provincial kings who assumed the emperor's now lost authority, to summon the owners of the estates (and livings) within their respective realms, not,

[4] The first bridge, pons, pontem, over the Tiber (a sacred river) is said to have been constructed by or under the pontifex-maximus; it was placed in his custody and he exacted tolls for its use; circumstances which have been held to sufficiently explain the singular title of his office. Juvenal, VI, 520; Varro, l., v, 83, 180; Plutarch, in Numa, p. 75. But this is very doubtful. On this subject consult a note in "The Worship of Augustus Cæsar."

[5] Livy, IX, 29.

[6] Cic. de Legg., III, 3.

[7] Gibbon, chap. XVII.

[8] Suet., Claud., 24.

[9] Cod. Just. I, 1, tit. IV, § 26; Ibid, 30; Ibid, tit. LV, § 8, etc.; Guizot, 1, 36.

as at a still later period, to deliberate and legislate upon national affairs, but merely to grant him supplies. Such was not the origin but the immediate cause of the medieval revival of the Comitia or House of Commons. The connection of modern vestries with municipal works, repairs, etc., has also its remote origin in the prerogatives of the pontifex-maximus. A succession of reforms has swept away the ecclesiastical character of English vestry boards. Their members are now elected by the parochial suffragists, nevertheless the chairman of such bodies, is still the parish priest, ex officio; the tail of a kite whose head is lost in the clouds of the remotest antiquity. [10]

During the Commonwealth, the Sacred college was subject to the civil power [11] and mainly relied for popular compliance with its decrees and regulations, upon that general assent which superstition or veneration induced in the public mind. In addition to this, it managed to obtain the enactment of laws, from time to time, which conferred upon it important privileges, concerning the exercise of which it frequently came into collision with the civil magistrates. Toward the end of the Commonwealth these disputes commonly ended in favour of the ecclesiastical power. Nevertheless until the accession of Julius Cæsar an appeal could always be made to the people. The ecclesiastical power was commonly manifested in the infliction of fines and penalties, but occasionally as in trials for heresy it extended to life and death. The pontifex-maximus, even the augurs, at one time, could control the Senate, through the privilege of interdicting their assemblage and vetoing their laws. [12] Whilst it should not be forgotten that Cicero himself was an augur and a member of the college of augurs, and—for this reason as well because he had been deprived of every other public office, may not have been indisposed to exaggerate its powers or prerogatives,—it should also be remembered that what-

[10] In the United States, although the Constitution is itself a protest against hierarchical government, these lucrative functions in many of the large cities, are now in fact, under the control of a single powerful sect. The practice would be equally objectionable and dangerous were these advantages in the hands of any other sect.

[11] In A. U. 449 Caius Flavius, curule ædile, " made public the Rules of Procedure in judicial cases, hitherto shut up in the closets of the pontiffs and hung up to public view round the forum the Calendar on white tablets; so that all might know when business could be transacted in the Courts." Livy, IX, 46. For this assertion of popular rights this intrepid magistrate was called a thief, the son of a slave, a contemptible cur, a polluted person, and many other hard names, by the pontiffs whose monstrous monopoly of the Code and the Calendar he had broken down. Moyle's exposition of this subject is one of the few that have been written from, I will not say the popular, but the anti-aristocratic point of view.

[12] Cicero de Legg., II, 12.

ever powers the augurs possessed in his time, they all fell soon after into the hands of the pontifical college.

With the subversion of the commons, the tribunes, and the other institutes of ancient liberty, and the elevation of the Sacred college and pontificate to temporal power, the republican limits to the authority of the Roman church, were swept away. The right of appeal to a jury of the people was altogether lost; and what technical shred remained of it was abrogated by Augustus. The power of the pontifex-maximus being united in the same person with that of the emperor, it extended to temporal as well as ecclesiastical matters and became as ample in one as the other. [18] Even its vicarious exercise, which in the end broke it down entirely, at the beginning conferred upon it additional strength; for it afforded the sovereign-pontiff relief from the cares of a too extended government and enabled an immediate improvement to be made in the local administration of the more distant provinces. The sovereign-pontiff appointed the members of the Sacred college and conferred upon them powers to ordain bishops. The latter in turn, appointed the inferior priests, and this involution of offices and powers continued downward to the lowest stratum of ecclesiastical rank.

Even were there no traditional and other evidences to connect the ecclesiastical organization of the fourth century with the remote periods assigned to Romulus and Numa, the power, the influence, the respectability, the numbers, the social ties and connections of the priesthood, the extent and completeness of their organization, the vast number of temples and other edifices and landed estates under their control in all parts of the empire, their numerous benefices, some of them dating as far back as the history of the empire, the vast wealth of the church and the substantial support it derived from taxation, whether the government was monarchical, or imperial, the widespread belief in its tenets, mythology, superstitions, rites, festivals, sacrifices, miracles, auguries, oracles and relics, all these and many other circumstances, combine to attest its venerable character and high antiquity. That Rome was not built in a day is an axiom that applies as well to its ecclesiastical organization as to its walls and temples.

In the most ancient times the Sacred college had consisted of four pontifices, bishops, flamens, or priests, appointed by the Sacred rex or king, who himself was the pontifex-maximus. During the Commonwealth their number was increased, but they were appointed by

[18] To appeal from the emperor to the Sacred College "was a mockery that turned all religion to a jest." Tacitus, Annals, I, 10.

the Commons. At first the College, afterwards the Commons, elected the chief-priest, who had his office for life, one of the conditions of his incumbency obliging him never to remove out of Italy. [14] In A. U. 453 the number of pontifices was increased to eight, in 672 to 15, and at the instigation of Julius Cæsar, to 16, he, himself, soon after, becoming the 16th and the pontifex-maximus. After the death of Cæsar and the battle of Actium, the Senate granted formal permission to the Prince of the Senate, Augustus, to add to the Sacred college as many pontiffs as he deemed proper: also to increase and provide for the regulation of the subordinate fraternities of priests. This act enabled Augustus to complete and render more perfect than before, that involution of ecclesiastical ranks and livings, which had already received a powerful impetus during the pontificate of Julius Cæsar. Further details concerning this subject will be found in Appendix H.

The religious fraternities governed by the Sacred college included the augurs, the decemvirs or quindecemvirs, the septemvirs, the various subordinate religious colleges, such as the Luperci, (including the Juliana, Augustines, etc.,) the Salii and Galli already mentioned, the parish-priests and local curates stationed in various parts of the empire, amounting in number to many thousands; also numerous bodies of monks, clerks and ecclesiastical virgins and slaves. The entire organization, except perhaps with reference to certain nominal imposts levied at times upon the inferior clergy and monks, was exempt from military service, civic duties, and taxation. The property and revenues of the church were deemed to be sacred or consecrated to the gods, and appear to have been entirely exempt from taxation. [15]

After the death of the chief-pontiff Lepidus, A. U. 741, Augustus himself assumed the office of pontifex-maximus, held it until his death and transmitted it to his imperial successors. Although the chief-priesthood thus remained a pagan office, marked by pagan rites and sacrifices, down to the day when the state religion was changed by vote of the Senate, yet it was filled, between Constantine and Gratian, by no less than seven so-called Christian emperors. Gibbon's remark that they were invested with more authority over the religion they had deserted, than the one they professed, is only true in the sense that their pagan authority extended to lands, temples, and lucrative

[14] Livy, XXVIII, 38-48. One reason for thus confining the pontifex-maximus to Italy, may have been the danger of exposing the vocal and bleeding images (Livy, XXVII,4) the relics, calendars, and other impostures of the pagan Sacred College, to the inspection of a doubting multitude. [15] Gibbon, III, 74, quoting Symmachus.

offices, over which as yet the "Christian" priests had no legal authority. Zosimus, a writer of the fifth century, says that Gratian was the first emperor who declined to officiate as pontifex-maximus.[16] Unfortunately for the historian's correctness in this particular, an issue of Gratian's coins is extant which plainly attests his acceptance and exercise of the office.[17] As an alternative theory, Gratian's modern apologists have advanced the unlikely notion that he accepted the title, whilst he repudiated the functions, of the pontifex-maximus.[18]

The truth seems to be that at the period of Gratian the dividing line between Roman paganism and Roman Christianity was not always well marked.[19] Gratian's father, Valentinian, though he is claimed to have been a Christian convert, filled the office of a pagan pontifex, gave no preference or advantage to any sect, forbade the Roman ecclesiastics from appropriating any testamentary bequests but such as came to them as next of kin, and issued a general edict permitting the practice of polygamy. Gratian's counsellor, the famous Augustine of Hippo, was twice a pagan before he became once a Christian, and Gratian himself dismissed the priests of one religion to appoint in their places, those of another, himself remaining pontifex-maximus and emperor of both. The belief that it was justifiable to devote to Christian, those riches, powers and privileges, which had been originally consecrated to pagan beneficiaries, had now apparently spread far enough from its source, to warrant Gratian in confiscating them to the fisc. The revolt of pagan Britain and Gaul, and the tragic fate of Gratian, merely prove that in this belief he was mistaken.

During the Commonwealth, the Roman ecclesiastical organization was largely supported by voluntary contributions and the offerings of the pious; but it possessed no livings and commanded no tithes.

> Antè, Deos homini quod conciliare valeret,
> Far erat, et puri lucida mica salis.—*Ovid*, "*Fasti*," I, 337.

According to their several means, the people vowed temples, shrines, games, (whence ludi votivi) jewels, food, or flowers, to the gods. Ver sacrum, or the young of all edible animals, born from the beginning of the year (in March) to the end of the month of April, was a common offering to the church. So was a tenth of the spoils, taken in war, and in later times, the golden crowns displayed in military triumphs. These and other voluntary offerings were the relics of com-

[16] Zosimus, IV, 249-50.

[17] This is admitted by Guizot.

[18] Bell's Pantheon, I, 19.

[19] The commonest mark of distinction was between those who did, and those who did not, sacrifice.

pulsory dues that had gone before, and the progenitors of others that were to appear in future. Thus, Lucian says that a tithe of the spoils of war were devoted by the Greeks to the temple of Mars, whilst Xenophon relates that a tithe of the produce of certain lands was annually devoted to the priests of Diana, [20] and Sillius, that the Gaditan chaplains or parasites exacted corn and other tithes for Hercules, which they gathered into the temple. [21] The first may have been a voluntary offering, the other examples have all the appearance of a tax. Herodotus, VIII, 46, relates that the Siphnians reserved a tithe of the produce of their gold mines for Apollo, but omits to say whether it was an offering or a tax. In some countries, at the present day, it is necessary to reserve a tithe, or more, of the produce of gold-mining for the local priesthood; not that the law commands, but that policy and experience advise it. The Siphnian tithe may have been of this character.

The Brahmin, Buddhist, Assyrian, Egyptian, Hebrew [22] and other ancient hierarchies, all exacted tithes from the people for the support of the church. The imposition of tithes by Julius or Augustus was therefore no novelty. The latter not only increased the authority and emoluments, commoda, of the bishops, priests, and vestal virgins, he also devoted to their support the tithes, decumæ, of certain landed estates, which tithes he vested in the church. His imposition of a twentieth, vigesima hæreditatum, upon inheritances, is also, without doubt, an ecclesiastical tax: because the church had authority over the framing and registration of wills and testaments, and would hardly have risked the loss of such authority by submitting inheritances to secular taxation, at least not without interposing the most formidable objections and obstacles. The real or assumed piety of Augustus, which was so great that once a year he used in person, to publicly solicit alms for the church, affords an assurance, apart from all other considerations, of his repugnance to any measures which would have neglected to strengthen the resources of the Sacred college. [23]

Tiberius erected 12 villas in Capræ which he consecrated to the principal gods of ancient Rome. The rentals of these villas, if any, must have gone to the church, because it would have been sacreligious to divert them to any other purpose. Speaking generally, the pagan church of the empire received from the consecrated lands and the public revenue an ample stipend, which liberally supported the splendour of the priesthood and all the expenses of the religious worship

[20] De Exped. Cyri., lib., v.
[21] Taylor, 232.
[22] I Sam., VIII, 15-17.
[23] Suet., Aug., 49; Dio., LV, 25.

of the state. [24] Not only was the religion of Rome supported from the public coffers, it was the lawful duty of the Senate to maintain it, and of the prætors and ædiles to enforce such of its observances as the priesthood declared to be essential. [25] In A. U. 327, "the ædiles were instructed to see that no other deities should be worshipped than those acknowledged by the Romans, nor even these, in any other modes than those established by the custom of the country." [26] In A. U. 540, the worship of Ies having been introducted into Rome, the ædiles and criminal judges were sharply rebuked by the aristocratic Senate for tolerating the votaries of this popular deity and the city prætor was ordered to suppress their assemblages, burn their scriptures, and forbid the practice of their rites without special permission of the Senate. [27]

In A. U. 548 the worship of Maia was brought to Rome from Galatia by authority of the Senate. In 566 the rites of Ies were again introduced into Rome and supported by "false witnesses, counterfeited seals, forged wills, false evidences and pretended miracles." One of the consuls thereupon cited to the Senate, "numberless decisions of the pontiff, decrees of the Senate, and answers of the aruspices," concerning the right to deal with this subject, and the "frequent charges that had been made to the magistrates to prohibit the performance of any foreign religious rites, to banish strolling priests and soothsayers from the city, to search for and burn books of divination and to abolish every mode of sacrificing that was not conformable to the Roman practice." The result was that he obtained the enactment of a decree "prohibiting the performance of any the like rites in Rome or in Italy," and providing for the exercise of other religious rites only after the express authority of the Senate had been obtained therefor and when not less less than 100 members should be present, and also on condition that the persons so authorized "should have no common stock of money, nor any presiding officer of ceremonies, nor any priests." [28] "Does not the religion of the Romans come under the protection of the Roman laws?" asked Symmachus, in a later age, confident that there was but one reply to such a question.

It results from these premises that down to the year A. D. 394, when, as alleged, the Senate reformed the national religion, there was but

[24] Gibbon, III, 71.

[25] Among these, according to Livy and Tacitus, was the worship of images.

[26] Livy, IV, 30. [27] Livy, XXV, 1. Moyle's Works, vol. I.

[28] This appears to have remained the law to the last. Livy, XXXIX, 8, 18.

one chief-pontiff, and one set of priests with lawful power to superintend or perform the functions of religion in Rome, and that these priests were pagans. It is conceivable that there existed a secret society of chrestos or christianos, which gradually increased in numbers, until, venturing to exercise its rites openly, it filled the army, the senate, and the church; that at length it took part in choosing the emperor; and that it finally succeeded in acquiring control of the ancient hierarchy; but any theory which asks us to believe that two popes, of antagonistic creeds, the one polytheistic, the other Christian, the one armed with almost unlimited power, the other with none, existed contemporaneously and exercised similar functions over the same community, lawfully and publicly, is simply incredible.[29]

During the three centuries which elapsed between the establishment of the hierarchy and the reign of Aurelian, the pagan church had acquired, through testamentary gifts, etc., a large proportion of all the private estates embraced in the empire. As the number of priests and their requirements, together with the habits of indulgence which such a system engendered, increased even more rapidly than the consecrated lands, it is quite probable that while the church and the bishops grew rich, the common priests and ecclesiastical servants became poor. Yet, if we may believe Vopiscus, a single temple of Rome was enriched by Valerian with fifteen thousand pounds weight of gold, while all the others were resplendent with the richness of his offerings.[30] Vast as were the property and revenues of the pagan church, the edict of Valentinian proves that they were still increasing, when they were all confiscated to the imperial fisc during the brief reign of Gratian.[31] Constantine had already made a breach in this ancient and towering edifice, which his sons Constantius and Constans had been importuned to widen; but Gratian attempted to overthrow it with one blow, an attempt that cost him his life. When Theodosius had duly avenged the death of this martyr, he granted the ecclesiastical estates

[29] Valesius himself, in several passages, admits that there were no christian "popes" until near the fifth century. He says that at the council of Antioch, Paul of Samosata was condemned without the participation of Dionysus, bishop in Rome. Julius, bishop in Rome 337-52, "who was neither ignorant of his privileges nor disposed to relinquish any right" . . . "disclaimed everything beyond the courtesy of being invited to attend and being consulted with the other bishops." Socrates, Ecc. Hist. Pref., vi. For list of Pagan popes see Appendix H herein.

[30] Vop. in Aur., XLI.

[31] Sir Henry Maine in one of his lectures delivered at Oxford, said that (similarly) the moslem church was endowed with the lands and livings of the pagan church which it supplanted.

and livings of the church to incumbents of the true faith. Such of the bishops and priests as had not embraced Christianity (for many of the latter had done so already) were expelled from their offices and replaced by others.[33]

The members of the pagan Sacred College wore a white linen robe, bordered with purple, and a conical cap. The chief pontiff and the augurs wore a similar costume, with the addition of a crooked staff, called lituus. Such a staff appears in the hands, both of Romulus and Julius Cæsar, as they are depicted on contemporanous, at all events very ancient, altars, gems and medals.[33] The Romans worshipped with their heads covered and facing toward the east. A head-covering was also worn by deified personages and was called peplum. These or similar customs were common with all races who derived their religion from India and are practised by the Jews to this day, who call their sacred head-covering, talith or tallas. On the eve of the battle of Issus, Alexander summoned Aristander, the hierophant, who, habited in white and with his head veiled, joined the king in praying to Jove for victory.[34] Vitellius, his head covered with a veil, prostrated himself before Caligula and adored him as god.[35]

In addition to the details already mentioned, the Roman pagan college and ecclesiastical organization was characterised by a peculiar observance in the appointment of priests. The priests of the Brahmins, Assyrians, Egyptians, [36] Israelites, Greeks and other nations of a remote antiquity, other than Buddhists, were selected from sacerdotal or aristocratic classes. To this day, after the repeated dispersion of their defenceless communities and religious congregations, the Jews will not permit certain of their public ceremonies to be performed, by any, except members, real or supposed, of the sacerdotal class known as cohanes or cohens. [37] The ancient Greek priests obtained their offices variously by inheritance, lot, appointment or election, but except during the republic they always came from sacred tribes. [38] On the contrary, the priests of Rome were drawn from all classes of the people.

Monachism. Philo and other Platonists, renounced their patrimonies and lived in common, [39] the Greek priests of Hercules practised

[33] Zosimus, IV, 249; V, 38; Code Theod. de Pagan Sacrif. et Templis.

[33] Livy, I, 18, 41; XXXIII, 28; Festus; Varro, VI, 3; Virg. Æn., II, 683; VII, 612; VIII, 664; X, 270; Cic. Legg., I, 1; Cic. Fam., II, 16; Att., II, 9: Divin., I, 17.

[34] Q. Curtius, IV, 13.

[35] Suet. Vitellius, 2.

[36] Herodotus, Euterpe.

[37] See Cœnobites, below.

[38] Eustathius.

[39] Sozomen, I, 12.

celibacy, the Greek sect of Perfectionists strove to overcome their natural tendencies by drinking the juice of hemlock and strewing the herb agnus castus in their beds, while the priests of Maia and other ascetics shaved their heads and, like Atis the Mediator, made themselves "eunuchs for the Kingdom of Heaven's sake." [40] The Therapeuts withdrew from the world, buried themselves in monasteries, and passed their time in religious contemplation, seasoned by discipline, self-mortification, fastings, prayers, hymns, canticles, vigils and genuflexions. Monks abounded in India from the remotest times, also in ancient Assyria, Egypt, Greece, Gaul, Galatia and Rome. According to Sozomen, the Therapeuts and Essenes were the same. Their "monasteries were established before the Christian æra," some in Palestine, and, in the place of one of these, afterwards arose the fraternity of Carmelite monks and nuns. [41] We may see some traces of these people (monks) among the Druids. They existed before Christianity, lived in monasteria or monasteries, and were called "cœnobites," because they lived in common. [42] In A. U. 566 the Roman Senate passed a law against religious brotherhoods whose members lived in common. [43] Josephus in early life was a monk. [44] Mark, the Evangelist, was regarded as an ascetic. [45] "As many as were possessors of lands or houses sold them and brought the prices (proceeds) of the things that were sold and laid them down at the apostle's feet, and distribution was made to every man according as he had need." [46] "Many (monks) dwelt in each city and the provider for the faction is especially discernible among strangers by his engagement in storing up clothing and necessary articles." [47] "They lived in monasteries, maintained a perfect community of goods and an equality of external rank, deeming vassalage a violation of natural law." [48]

These evidences are deemed sufficient to establish the great antiquity of monachism and its practice under the constitution erected by Julius Cæsar and before the adoption of Christianity.

Canonization. It was the duty of the pagan pontifex-maximus, assisted by the Sacred college over which he presided, to appoint and register the public holidays and festivals. In this registry or canon

[40] Compare Matthew XIX, 12; Leviticus, XXI, 5, 20; Herodotus, Thalia, 8; Kennedy, Hindu Mythology, p. 263.

[41] Livy, XXXIX, 18; Higgins' Celtic Druids; Eusebius, Ecc. Hist., II, 16.

[42] Celtic Druids, 125.

[43] Livy, XXXIX, 18.

[44] And lived in the desert on figs and nuts. See his autobiography.

[45] Eusebius, II, 16, 23.

[46] Acts, IV, 35.

[47] Josephus, Wars, II, 4.

[48] Marsh's Michælis, IV, 83.

was also inscribed (adscriptum est) the most remarkable occurrences. Thus on Lupercalia it was noted in the canon that Antony had offered the crown of empire to Julius. To have one's name inscribed or canonized was deemed by the Romans an honour of the rarest character, a most sacred and exalted distinction. Julius, Augustus and many of their successors were canonized in the fasti of the Sacred college. Other persons besides emperors of Rome were canonized, and vows, wishes, oaths, offerings and sacrifices were made in their names. [49]

Sanctuaries. Altars and temples were regarded by both Greeks and Romans as places of refuge or asyla, some of them, as previously mentioned, being clothed with peculiar sanctity. Here slaves found refuge from the cruelty of their masters, children from inhuman fathers, debtors from creditors, and the accused from the officers of the law. From these sanctuaries it was deemed impious to attempt their removal. [50] Suetonius says that Tiberius "abolished the privileges and customs of asyla in all parts of the world," while Tacitus, with more reason, says that he only regulated and reformed their abuse. [51]

Sacred Scriptures. Among other functions the Quindecemvirs or Holy Fifteen [52] had the care of the ludi sæculares and the custody of the Ten [53] Sibylline books, or gospel of the pagan Romans, which contained the prophesies and revelation relating to the fate of the empire and also (according to Niebuhr) the religious ceremonial. In conformity with a regulation of Augustus, two thousand "spurious" gospels were burnt by the prætor urbanus, while the "genuine" books were preserved in two gilt caskets deposited under the statue of Apollo in the temple of that god on the Palatine. [54] One of the of-

[49] Nero deified his dead wife Poppæa Sabina and erected a temple to her in which she was worshipped as Sabina dea Veneris, or Sabina, the goddess Venus. He also obtained a decree of the Senate deifying the infant daughter whom she bore him, namely, Claudia entitled Augusta. The inscription on her medals is Diva Claudia Neronis Filia, or the goddess Claudia, daughter of Nero. On the antiquity of this custom consult Ovid, Fasti, I, 9; Tac. Ann., I, 15; III, 17; Cic. Ep. ad Brut., 15; Cic. Sext., 14; Pis., 13; Verr., II, 53; IV, fin.; and the numerous authorities in "Nimrod" (Herbert).

[50] Cic. Tusc., I, 35; Nat. D., III, 10; Dom., 41; Nep. Paus., 4; Ovid, Trist., V, 2, 43; Tac, Ann., III, 60; IV, 14; Virg. Æn., I, 349; II, 513, 550.

[51] Suet. Tiberius, 37; Tacit. Ann., III 60-3.

[52] Originally, duumviri (2); in A.U. 387 decemviri (10); in tempo Sylla, quindecemviri (15); and according to some authors, in tempo Julius Cæsar, sexdecemviri (16); alluding to their numbers.

[53] Some authors say there were nine or even a fewer number of Sibylline books; but Varro distinctly says there were ten books.

[54] Suet. Aug., 31.

fices of the Holy Fifteen was to assist the sovereign-pontiff in managing the multitude by adducing whenever necessary the pretended communications from heaven of which they were in charge. As the Sibylline gospels often controlled the policy of the State, they are entitled to a place in the constitution. [55] Another revision of these gospels was made by the emperor Tiberius, and many passages, regarded as heretical, were stricken out. Three other revisions are mentioned in subsequent reigns; and copies of them appear to have got into the hands of the people, by all of whom they were regarded with the deepest religious veneration. Indeed they are referred to, or quoted, in support of Christianity by several of the early Christian writers, from Tertullian to Lactantius. [56] When the temple of Apollo was burnt March 18, A. D. 363, the only treasure saved was the Sibylline scriptures. [57] These gospels remained in common use until the reign of Theodosius, "when the greater part of the Senate having embraced the Christian faith, such vanities began to grow out of fashion, till at last Stilicho burnt them all, under Honorius. [58] For this act, real or supposed, Stilicho is elegantly cursed by the metrical Rutilius Numantianus. But after the erection of the empire, the Sibylline books, albeit some fragments of them remain to the present day, never enjoyed the popularity of the Æneid. The word bible means literally a book. In this sense there can be no impropriety in calling Virgil's epic, the Roman Bible. It was in the hands of all who could read, and though this class, after the division of the empire, diminished so rapidly that "for several centuries it was extremely rare to meet with a laymen who could read or wite," [59] yet its fabulous legends exercised a powerful influence in polluting the sources of history. Mr. Buckle has said that "the Christian priests have obscured the annals of every European people they converted, and have destroyed or corrupted the traditions of the Gauls, of the Welsh, of the Irish, of the Anglo-Saxons, of the Sclavonic nations, of the Finns and even of the Icelanders," and he cites, in support of this assertion, Villemarqué, Prichard, Warton, Campbell, Kemble, Talvi, Keightley and other modern writers. But although he furnishes the very instances we are about to mention, he ascribes no portion of this pollution to the Roman priests of the empire who preceded the Christians and taught the divinity of Cæsar from the Sibylline books, the Æneid, the As-

[55] See the prophecy concerning Augustus from Virgil's Æneid, quoted previously.
[56] Lactantius, I, 6; II, 11-12; IV, 6. [57] Lanciani.
[58] Kennett, Roman Ant., p. 81. We may believe as much of this as we please.
[59] Buckle, Hist. Civ., chap. VI, p. 222.

tronomicon and other gospels and writings of the pagan Romans; nor does he blame the pagan Greeks their predecessors.

That the city of Troyes was founded by the Trojans; that the capital of Gaul was named from Paris, the son of Priam; that Tours was the burial place of Turonus; that the Tartars came from Tartarus; that the Franks were descended from Francus, the son of Hector; and the Britons were from Brutus or Brute, the son of Æneas; all these, and many other like verities, were commonly believed during the dark and medieval ages. "Indeed, at the beginning of the fourteenth century their Trojan origin was stated (claimed) as a notorious fact, in a letter written to pope Boniface by king Edward I., and signed by the English nobility."[60] Now none of this nonsense came from either the Old Testament or the New; its source was not the Scriptures either of the Jews or the Christians, but the religious books of Roman polytheism, the bible of Julius the God, and of Augustus the Son of God. And strange to say, such is the longevity of sacred myth, or the scarcity of elegaic verse, one of these books, the Æneid, though bereft of much of its ancient significance by false translations and misleading foot-notes, is still taught in our universities.

Succession to the Throne. Following the sacred example of Julius, in his adoption and appointment of Augustus, the emperors, acting as high-priests, down to the failure of the so-called Julian line with Nero, always appointed their own successor, previously conferring upon him, the titles, dignities and powers, such for example, as belonged to the consular, censorial and tribunitian offices, which were designed to pave his way to the throne. These appointments, as a matter of form and out of respect for the ancient Commonwealth, were submitted to and confirmed by the senate. The elevation of Claudius by the prætorian guards was an exception to these rules of appointment and confirmation. With the reign of Nero, the sacerdotal authority of the emperor, or what remained of it, fell, for a time, into contempt, and the succession was arranged in other ways; sometimes by agreement between the various proconsuls, or between the procousuls, prætorian guard and senate; sometimes by the decision of the prætorian guard alone; sometimes as in the previous æra, by the reigning pontiff, with or without consulting the senate, as when Valen-

[60] Buckle, Hist. Civ., chap. VI, p. 224*n*., citing Warton's Hist. of English Poetry, I, 131-2 and Campbell's Lives of the Chancellors, I, 185. According to the "Verney Memoirs," recently edited by Lady Frances P. Verney, the Æneid, so late as the reign of Charles II,, and for the purpose of forecasting fate by reference to chance verses, was of equal authority with the Bible. Fabian is the authority for the British Brutus.

tinian I. appointed his son Gratian, and often by usurpation, or by feudal division of the empire. The steps by which an hierarchical government gradually becomes feudalised and splits into innumerable kingdoms, holding a more and more shadowy relation toward one another, are as difficult to summarize as is the gradual emergence of a temporal empire out of such feudal materials. The maxim of Virginius Rufus, who for a time, saved the throne of Nero, by suppressing the Gaulish insurrection under Julius Vindex, that "the senate and people had the sole right of creating an emperor" was the theory of a patriot, not of a politician, of one who forgot that he was living under an hierarchy, and that hierarchies are always and necessarily supreme and infallible. Indeed, Virginius' theory was practically upset in the very next choice of a supreme ruler.[61]

Infallibility. Is was a necessary institution of the hierarchy that the chief-pontiff was infallible; otherwise his personal assumption or acceptance of divinity, his divine descent, his divine mission, his divine authority, etc., might have been questioned, with the inevitable result of bringing down the whole impious structure to the ground.

Crimen Majestatis. Mention of this offense has already been made in connection with the worship of Julius Cæsar. The name of Majestas, one of the inferior deities, the daughter of Honour and Reverence, was applied to a law, which, before the advent of Julius Cæsar, only affected those who had betrayed their country.[62] Afterwards it was applied to anyone guilty of irreverence to the sovereign-pontiff. The law was probably employed by Julius to protect the sacerdotal character of the pontifex-maximus. During the earlier periods of the empire, trials for majestas, were usually conducted by the Senate, in whose deliberations the offended sovereign-pontiffs themselves, often and unjustly, took part. Bare accusation, supported by the flimsiest proofs, often by no proof at all, was commonly tantamount to conviction, and conviction to death. Thus a woman was put to death merely because she appeared *en déshabille* before the statue of the sacred Caligula.[63] Many persons, when accused of "sacred treason," and in order to avoid the confiscation of property and dishonour of name which attended conviction, committed suicide. The capital

[61] The phrase "King by the Grace of God" probably originated in the feudal appointments made by the deified sovereign-pontiff of Rome. The latter was the "god" who appointed the king. Either this, or else the god was manufactured from the title of the law. It is not always practicable to follow the chronology of pagan ecclesiastical conceits. At the same time it needs but little effort to detect the conceits.

[62] Lex Cornelia. [63] Montesquieu, chap. XIV.

was filled with spies and informers, employed either by the sovereign-pontiff, or his ministers. Men of eminence or wealth wisely betook themselves in time to some urban retreat or distant province; for no man's head was safe who remained near the court. [64] In A. U. 815, (A.D. 62,) "the law of majestas had fallen into disuse and was now revived for the first time," says Tacitus. [65] Strange as it may appear, it was enforced with the view of finding a legal method for exercising imperial clemency towards one Antistius; a proof that the constitution of Julius and Augustus was already failing, and that circumstances pleaded for a change from hierarchical to more rational methods.

Inquisition. A sacerdotal Court of Inquiry sat in A. U. 566 and punished with imprisonment, torture and death, the several thousand persons throughout Italy who were found guilty of what the patricians then considered the Bacchic heresy. This germ of religious persecution, planted by the ancient hierarchy of Romulus, bore but scant fruit during the Commonwealth, but when the hierarchy was restored by Julius Cæsar, it sprang up anew, to exercise its cruel office, no longer by the warrant of a Senate, but the fiat of a tyrant. The Inquisition, though attempted to be exercised by the Western popes after their secession from the East in the eighth century, legally remained with the sovereign-pontiff of the empire, until the Fall of Constantinople in the 13th century, when its dreadful powers were permanently assumed by the Roman pontificate.

Excommunication. This institute, like the preceding one, issued from the ancient hierarchy imputed to Romulus, it fell into disuetude during the Commonwealth and was restored when the hierarchy was re-established by Julius Cæsar. It is mentioned by both Livy and Cicero.

Right of Assemblage. Livy, XXXIX, 8, mentions a law of the Commonwealth, A. U. 566, against assemblages (hetæriæ.) It was professedly designed to prevent the clandestine exercise of unlawful religious rites. When, under Julius Cæsar, the high-priest became also the sovereign of Rome, this law was applied to all assemblages, and thus the very first right of a Roman citizen of the Commonwealth passed into the keeping of the church. Porcius Latro, in his declamation against Catiline, c. 19, attributes to the tribune A. Gabinius, A. U. 685, a law which made it capital to hold any clandestine assem-

[64] A number of interesting prosecutions under this impious law are reported by Tacitus in his Annals, III, 67, 70; IV, 6, 19, 21; and elsewhere. See also note to Pliny's Ep., VII, 33; also Ep., VIII, 6; and Dio., LIV, 17.

[65] Annals, XIV, 48.

blages in the city; but while this account is probably correct as to the penalty, it can hardly be so in describing the offence; for, except as to religious gatherings, there appears to have been no restriction upon the citizen's right of assemblage until after the establishment of the empire. [66]

Legislature. As already explained, this institute was established under the Commonwealth and needs no farther mention in this place, than that under the hierarchy, the people, and afterwards the cities, were deprived of all representation or legislative power, while the senate, though it appeared to exercise such power, became in reality little more than an imperial council, created, summoned, and governed, by the sovereign-pontiff. When the institute of a House of Commons was revived and established in the various kingdoms of the empire during the 13th century, the order of its resuscitation was precisely the reverse of that of its extinction. The king's council again became a senate and the boroughs were summoned merely to assist a magistrate, whom, when their ancient powers were fully restored, they sometimes deprived of authority.

Juridical System. This is so fully explained in the author's "Ancient Britain" that nothing more need be said, in this place. We quote from this work:

"Theoretically, the various official powers which Julius Cæsar and Augustus absorbed into the imperial and pontifical office, put an end to the entire system of Roman law under the Commonwealth; practically, the system was retained, but perverted. The forms remained, the essence was absorbed. The imperial absorption of power and its assumption of infallibility, rendered the processes of law little more than a mockery; and yet men are sometimes so well contented with a shadow in place of the substance, that this mockery has been kept up in Rome almost to the present day; for it is only within recent years that the Italians have shaken off the chains of an unreal and tyrannical imposture to accept the more beneficent, if less pretentious, rule of a flesh-and-blood sovereign. Many writers have expressed the deepest regret that the forensic literature of the empire is lost. We can see little to deplore in the circumstance. The science of law can gain nothing from perusing either the edicts of gods or the glosses of their parasites and panders. What was valuable in the Roman law came from the acts of a free people and a free Com-

[66] Some details as to the mode of administering this law may be gleaned from the letters of Pliny and his reports to Trajan, Ep., x, 43, 76, 93-4. One of these letters is quoted entire in a footnote to the next chapter.

mons and Senate; acts which were afterwards reflected in the commentaries of that class of jurisconsults, known as Proculians or Pegasians, who, in the faces of the most absolute and bloody tyrants that ever encumbered the earth, had the astounding temerity to proclaim and uphold the principles of freedom and the spirit of justice. These principles have survived. We have them in the precepts of Paulus, Gaius, Papian, Ulpian and Modestinus; men who held aloft the torch of legal science long after it had become a criminal offence to question the slightest dictum of hierarchical rule."

Education. During the Commonwealth, the education of Roman youth was entirely under the control of the pater familia, who might have educated his sons at home, or in a public school, or in a school taught by the priests of any one of the several denominations. Thus Virgil[67] informs us that among the curates of the Maian sect, some "bring up to their full growth, the young, the hope of the nation." The usual course was to place children under the care of literatori, or tutors, to learn the rudiments. They were afterwards sent to grammar schools, and finally, committed to the charge of professors. With the hierarchy, the schools gradually passed under the control of the pontificate. Though efforts were made in the reigns of Hadrian and the Antonines to restore something of the old system, the design fell through, and the church retained an absolute power over the education of youth. It is claimed that at this period Christianity had been adopted by the State, and there seem to have been no public schools, but such as were subject to the Sacred college.[68]

The reader will perceive the significance of these details when they come to be applied to the affairs of the Middle Ages. Meanwhile it becomes necesary to invite his attention to some other features of the Roman Constitution.

[67] Georgics, IV, 162.

[68] For some mention of Roman schools and popular education consult Pliny, Ep.. II, 18; IV, 13; IV, 25; Tacitus de Orat. and Lanciani's remarks on Roman graffiti. The Athenæum was founded by Hadrian. The Antonines multiplied public schools in all parts of the empire. See Kennett's Essay on Rom. Educ.; also Adams Antiq., XV and 443 and Carr, 304, 331, 373.

CHAPTER VII.

OTHER INSTITUTES OF THE SACERDOTAL EMPIRE.

Censorial powers—Consular powers—Tribunitian powers—Prætorian guard and præfects—Revenue and Expenditure—Imperial prerogatives—Treasure trove—Mines—Coinage—Legal-tender—Lands—Wills and conveyances—Titles of nobility—Slavery—Provinces—Free cities—Fairs—Right of war, peace and treaties—Calendar—Foreign ambassadors and jus legationis—Corporations—Navigation laws—Public notaries—Weights and measures.

THE Census and Censorial Power. The Census, which is claimed by some modern writers to have been originally an Etruscan institution, was imputed by the Romans to Servius Tullius. In A. U. 312 two censors were appointed to number and enroll the people as soldiers and to estimate their property or incomes, at that period designed chiefly with the view to taxation. Refusal to enroll was punishable with confiscation of property, or with scourging, or slavery.[1] Refusal to give a true account of property was also punishable. The censors were afterwards empowered by the senate to lease the public lands, farm the revenues, erect, repair, and lease public edifices, construct and repair roads, streets, bridges, aqueducts, etc., and to appoint the ærarii. After the civil wars, during which the censorship fell under the influence of the church, it was clothed with the invidious and dangerous power to raise or lower the caste of a citizen, to fill vacancies in the ranks of the equites, to supervise all public spectacles[2] and to enquire into the moral character and habits of private persons. These various powers were all absorbed by Julius, and afterwards by Augustus and their imperial successors. Tiberius and Caligula declined to personally exercise the office of censor, yet it was exercised in their names. When, during the dark ages, the emperor ceased to be the high-priest, the powers of the censorial office were divided and feudalized, the most important of them remaining, as before, under the control of the pontificate.

[1] Cic., Cæc., 21.

[2] The priesthood in all ages have recognized the powerful influence of dramatic effects upon the public mind by seeking to control their exhibition.

The Consular Power. After the expulsion of the kings, A. U. 244, two consuls were elected annually. These jointly exercised the office of chief magistrate. Each consul was attended by twelve lictors, a custom of mythological or religious origin. The consuls levied troops, commanded the army and navy, appointed military tribunes, administered the treasury, assembled the people and senate, laid before them what public business they deemed proper, demanded their pleasure, executed their decrees, controlled the governors of provinces, and corresponded with, or gave audience to, subsidiary princes and foreign ambassadors. These powers were absorbed by Julius and Augustus and their imperial successors, all of whom, though already emperors, were formally elected consuls. Julius bestowed the title of consul upon others as a bribe to gratify aspirants for honours, sometimes retaining the incumbent in office but a few days, or hours.[3] Afterwards, besides the emperor, there were usually twelve consuls each year, those admitted on the first day of the year, giving to it its name.[4] During the reign of Nero, and possibly both before and afterwards, these consuls appear to have formed a cabinet, or privy council. That monarch stated in a communication to the senate that "Italy and the provinces might, in all cases, address themselves to the tribunal of the consuls and through that channel, find their way to the senate".[5] In the reign of Commodus there were twenty-five consuls in one year, that is, two each month, beside the emperor.[6] During the minority of Alexander Severus and the regency of Mammea, the privy council consisted of sixteen patricians, but these were exceptional numbers. In A. U. 1293 Justinian abrogated the office of consul and the tribunal of twelve consuls, creating in its place twelve counts of the palace. In another place we shall see this same number repeated in the twelve peers of Clotaire,[7] the twelve paladini of Charlemagne,[8] and the twelve judices of Alfred. The function of all these bodies of twelve was analogous. They were, at first, to protect the person of the thirteenth.[9] Next, they were the guardians of his honour, then, his advisors, and lastly, his judges.[10] So far as the Romans are concerned, it may be safely assumed that this number was derived either from the twelve greater celestial deities, or the twelve constellations of the zodiac. Analogies occur in the twelve disciples of Buddha, the

[3] Lucan, v, 397; Suet. Jul., 76; Cic., Fam., VII, 30; Dio., XLIII, 36.
[4] Dio., XLVIII; Lamprid., Alex. Sev., 28, 43.
[5] Tacitus, Annals, XIII, 4.
[6] Lampridinus, 6.
[7] Atwood, 67.
[8] Matthew Paris.
[9] Gibbon, I, 81n.
[10] Atwood, 67.

twelve tribes of Israel, the twelve majestri of the Persian Manes, etc.[11]

The Tribunitian Power. Tribunes of the people were first created A. U. 260. They entered upon their office at the winter solstice, which at one time fell on December 10th, but afterwards by the sinking of 15 days in the calendar, on December 25th. Their office was to protect the plebians from the patricians. The law rendered their persons sacred and inviolable. To molest them was made punishable by excommunication (sacer,) and confiscation.[12] In A. U. 297 their number was increased from two to ten. At first their function was limited to a veto upon the proceedings of the senate, but in course of time they were entrusted with many of the most important powers of the State, that is to say, powers relating to the comitia, the senate, the army, and the magistracy. In discharging this trust they offended the wealthier plebians, who, joining the patricians, induced the tribunes by clamour, menaces and bribes, to neglect and abuse the powers of their office. The people being thus left without due representation or protection, broke into civil war. To appease the people, Marius restored the tribunes to their ancient functions and then betrayed them. Their powers were curtailed by Sylla and increased by Pompey. They were secretly encouraged by Julius Cæsar in every excess, who, after having thus rendered them odious to the people, suddenly extinguished them, absorbed their powers, and bequeathed the latter to Augustus and his successors. The official shadows who bore the title of tribune during the empire, were abolished, together with numerous other ancient officials, by Constantine.

Prætorian Guards and Præfects. Augustus organized a body of about ten thousand picked troops, divided into cohorts of a thousand each, to protect his person, awe the senate, and check rebellion. These were afterwards increased to fifteen or sixteen thousand. They enjoyed double pay, besides numerous privileges and advantages. To avoid alarming the people, they were at first distributed in various camps throughout Italy. Tiberius concentrated and stationed them in a strongly fortified enclosure under the walls of Rome. The supporters of this dangerous innovation claimed that the presence of such troops was necessary to quell the seditions of those numerous foreigners and slaves with whom Rome was now filled. At a later period a similar class of apologists maintained that

[11] The Etrurians had twelve states; Tiberius built twelve villas in Capræ, naming them after the twelve greater deities. Tacitus, Annals, IV, 67*n* (ed. Murphy).

[12] Liv., III, 55; Dio., VI, 89; VIII, 17.

the prætorian guards, being all native Romans of ancient stock,[13] worthily represented the Roman nation, and were therefore entitled to take part in the choice of its chief magistrate. From taking part, to monopolizing the whole, was, as things stood, but a step; and that step was taken upon the elevation of Claudius, A. D. 41, who rewarded the guards with a liberal donative at the beginning of his reign, and thus established a precedent which they took good care to afterwards enforce. Henceforth the fortunes of the prætorian præfects continually rose. From Severus to Diocletian the command of the guards, the palace, and the administration of the local laws and finances, were entrusted to the prætorian præfect. Even the provinces and the distant legions felt the influence of this functionary, whose office, during this period, was practically an institution of State. The power of the præfect was destroyed at a single stroke by Diocletian, who disbanded the guards, while he retained the præfect merely as a civil officer. The empire, being at that period split into four divisions, a viceroy, or "prætorian præfect", was assigned to each division. Constantine, though he united the empire, retained the four præfectures and præfects. They were essentially vassal kings, who enjoyed all the prerogatives of royalty. Each one controlled, within his district, the provincial governors, the army, navy, finances, silver coinage, granaries, highways, posts, ports and manufactures; almost everything except the temples, priesthood, ecclesiastical livings, and gold coinage. He could even, if deemed necessary and justifiable, alter the imperial laws; his tribunal was the last court of appeal; and his sentence was final and absolute. Rome and Constantinople were alone exempted from the jurisdiction of a viceroy; each of these great cities having its own urban præfect.[14]

Revenue and Expenditure. The censorial prerogative, which, under colour of law, Julius usurped and Augustus absorbed into the imperial office, namely, to number and enroll, included the right to assess the taxes, and it extended, not merely to Italy, but also, by means of local censors, to the colonies and free towns, in short, to "all the world."[15] But before the gospel of Luke was read in Rome these prerogatives had become feudalized and had fallen either into the hands of the proconsuls or the bishops.[16]

[13] But this could not have been true, because as Tacitus argues, (Ann., XIII, 27,) both the sacerdotal orders and the "prætorian cohorts" were recruited at this period with freedmen, of whom the main portion seem to have originally been captives, and therefore of foreign birth.

[14] Code Theod., lib., XIV; Gibbon, II, 28, 35.

[15] Luke, II, 1.

[16] Guizot, II, 314.

There were originally two treasuries, that of the sovereign-pontiff, called the sacred fisc, and that of the people, called the ærarium. The former was situated in the imperial palace, the latter in the temple of Saturn, at Rome. Before the reign of Caligula the fisc had begun to absorb the treasure and revenues of the ærarium. Nero's promise to the senate "that the revenues of the prince and the public should be kept separate and distinct" [17] implies a previous breach of this regulation. Of subsequent breaches we have numerous instances. So long as they were kept distinct, the revenues were ecclesistical, imperial and general. The latter were invariably farmed, at first by the imperial, afterwards by the proconsular ministers. The farmers, publicani, were usually formed into companies, or socii. [18] These publicani, who were always nobles, usually of the equestrian order, were invested with such discretionary powers over the tributaries, that the practical result of this mode of collecting the taxes, was that the people were oppressed and degraded. In this manner the publicani contributed to establish some of the most repulsive obligations of the feudal system. Payments into the fisc were always due in gold coins. [19] When silver coins were accepted in lieu of gold, it was always at the rate of twelve weights of silver for one of gold. [20]

The ecclesiastical revenues were derived from the tithes of church-lands and from other sources. These tithes were collected from the people by the local priests [21] who, after deducting their own support and emolument, paid the residue to the local curate or bishop. After paying themselves out of this fund, the bishops deposited the balance in the local temples. [22] The main portion of these revenues were received in kind. The portion remitted by the bishops to Rome was paid in money. It is not clear whether or not this portion was paid into the fisc, in virtue of the emperor's office of pontifex-maximus. A portion of the general revenues which went, either directly or by commutation, to the ærarium, were also contributed in kind. Thus in A. U. 781, Olennius, the Roman governor over the Frisians, hav-

[17] Tacitus, Annals, XIII, 4. [18] Cicero, Letters; Tacitus, Annals, XIII, 50.

[19] M. Lenormant, I, 185, only mentions in this connection the ordinances of Heliogabalus and Alex. Severus. Sozomen, VI, 37, proves it as to military penalties enforced by Valens. See also De Vienne, "Livre d'Argent."

[20] The error committed by Bœckh and other antiquarians in calculating the ratio mentioned in the Theodosian Code, at 14.40, instead of 12, which latter was the correct and only ratio in the Roman world for upwards of 1200 years, is dealt with in the author's "History of Monetary Systems." De Vienne, 18, gives other ratios, all of which are derived from the erroneous one of Bœckh, and must fall with it.

[21] Tacitus, Annals, XIV, 31. [22] Tacitus, History.

ing exacted the provincial tax in ox-hides of an unusual size, the inhabitants revolted and almost cut to pieces the Fifth legion. "Tiberius, with his usual reticence, endeavoured to conceal the loss. . . As to the senate, events that happened in the remote frontiers of the empire made little impression on that assembly."[23] Other instances of payment in kind are mentioned further on in the present work. We are not informed how such payments were covered into the treasuries, whether by commutation into money, or otherwise. Unless commuted into money, their collection must have given rise to great waste, expense and corruption.

In A. U. 811 the complaints which reached the sovereign against the farmers of the revenue and "the mismanagement that prevailed in all departments of the government," were so numerous that Nero, at that time an inexperienced youth of twenty, was apprehensive of civil war and actually proposed to "abolish the entire system of duties and taxes." Being reminded that if the government was to be supported, this course would be impracticable, he contented himself with a decree that "the revenue laws, till that time one of the mysteries of state, should be drawn up in form, and entered on the public tables, for the inspection of all degrees and ranks of men.[24] He also exempted the shipping from duties of every kind; thus setting the first example of Free Trade to the world.[25] But these reforms, due, no doubt, to the guiding hand of Seneca, came too late. The imperial government was no longer capable of reaching the people; there were too many vested interests, too many officials and too many nobles and ecclesiastics between them.[26] Without a total abandonment of the hierarchy, which was now impracticable, there was only one future for the empire. It had to continue to become more and more feudalized, until its distant members dropped off from mere political remoteness.

The revolt of Boadicea, which occurred three years later, is offered as a proof that Nero's apprehensions of trouble, arising from the the abuses of the fisc, were not groundless. Dion Cassius ascribes this event to the rapacity of Seneca, whom Nero, in the warmth of youthful generosity, had permitted to enjoy the profits derived from

[23] Tacitus, Annals, IV, 72-4. A similar remark is repeated in his History, with reference to a later reign.

[24] Tacitus, Annals, XIII 49, 51

[25] Free shipping was the original form of Free Trade.

[26] Gibbon, chap. XX, has estimated that the churches of the empire at the period of Constantine numbered 1800 and the clergy and monks as more numerous than the legions. These proportions may safely be carried back to the time of Nero.

farming the revenues of Gaul and Britain. This is a plausible story and it may be true; at the same time it must be remembered that there is scarcely a line of the mutilated and interpolated fragments of literature that have reached us from ancient Rome, but what has undergone careful ecclesiastical scrutiny, sometimes from pagan, [27] sometimes from medieval sources, and often from both. This remark applies not merely to Dion Cassius, it is probably equally true of the writers from whom he drew his materials. "What has been transmitted to us concerning Tiberius, Caligula, Claudius and Nero, cannot be received without great distrust," says Tacitus at the very beginning of his Annals, while Dion himself makes a similar remark. [28] Tacitus gives another reason for the revolt. While admitting that the natives were robbed, oppressed, insulted, and their women violated by the Roman soldiery, he adds that their religion was trampled under foot, and they were required to worship the statue of the sovereign-pontiff of Rome. "The temple erected to Claudius was another cause of discontent. In the eyes of Britons it seemed the fane of eternal degradation. The (Roman) priests appointed to officiate at the altars, with a pretended zeal for religion, devoured the whole substance of the country." [29] If this be true, there could have been nothing left for Seneca; and Boadicea's revolt was Britain's first defiance of ecclesiastical tyranny.

Treasure Trove. We learn from the story of Herodes Atticus that, in the time of Nerva, the sovereign-pontiff was entitled, by a law or custom which is not alludeded to as a novelty, to all treasure trove. Reasoning by analogy this prerogative of the crown was included in the general constitution established by Augustus, and bore the sacred stamp that he affixed to its other articles. Hadrian afterwards made a provision which divided treasure trove equally between the right of property and that of discovery. [30] This does not appear to have been intended as the secularization or renunciation, but only the indulgent and temporary remission, of a pontifico-imperial prerogative. Practically, however, treasure trove, by the time of Constantine, had fall-

[27] Tacitus himself was a pagan priest and one of the Decemvirs. Annals, XI, 11. But he appears to have had little faith in the divinity of emperors.

[28] "After the battle of Actium, when, to close the scene of civil distraction, all power and authority were surrendered to a single ruler . . . what between the parties, one paying their court and the other brooding over public injuries, the care of transmitting proper information to posterity was utterly neglected." Tacitus, History, I, 1. From the reign of Augustus history becomes less interesting and less authentic. Dio., LIV, 16.

[29] Tacitus, Annals, XIV, 31.

[30] Ælius Spartianus.

en to the proconsuls, prætors, præfects, or other local lords; and had thus become feudalized.

Mines. Control of the supplies of the material out of which money is to be made is a necessary corollary of the prerogative and the practice to create such money and regulate its value, and in all ancient states, the two prerogatives will usually be found in the same hands. The doctrine of Mines Royal, alluded to in another place, originated, not as is commonly supposed, in the ordinances of St. Louis, or of Henry III., but in those of Julius Cæsar and Augustus. For reasons which are fully set forth elsewhere, the Roman emperors seem to have confined the exercise of their prerogative over mines, to those of gold. Mining for this metal was conducted on an extensive scale in Egypt, Mauritania, Spain, Gaul, Britain, Upper Germany, and other parts of the empire; and the product, whether obtained directly by the labour of imperial slaves, or through the imperial prætorian præfects, proconsuls, and farmers of the mines, all went into the fisc. Even after the right to mine for gold, following other pontifico-imperial rights, had become feudalized and was actually exercised by provincial princes on their own account, the right to coin that metal remained with the Sacred empire; and for nearly thirteen hundred years such right was neither invaded nor questioned, unless by the Goths, Arabs, or other hereties. As to silver mines, the imperial government never ventured to strain its always declining authority, by claiming either the right to their administration or the monopolization of their produce, both of which had long remained in the hands of the patrician families of Rome. When in the course of its feudalization, the immediate government of the provinces fell from the sovereign-pontiff to the proconsuls and ecclesiastical legates, "silver" (argentum) became in the place of the ancient "nummi" and the somewhat later "sesterces", the generic term for "money".[31] Silver mining had therefore practically become the prerogative of the Roman nobles and, was afterwards transmitted, by the feudal process, to those Roman prelates and christianized barbarian princes, who, between them, shared the government of the provinces. When, after

[31] Argentum is mentioned as the generic term for money in the province of Spain. Livy. XXXIV, 46; XL, 43, et passim. In fact, its use was general throughout the empire, and it is still used in France, in the form of argent. The English word silver is from the Gothic silfer, and finds its anonym in the Scotch ıler, the Sclavic silber, as well as the Italian piatta, the Spanish plata, and the Portuguese p. ata, meaning silver. "Plata" is still used as the generic term for money. A "pound" of argentum in the reign of Constantine meant what a "livre d'argent" meant recently in France, namely, a sum of money, not a weight of metal.

the fall of Constantinople, in 1204, the pontifico-imperial prerogative of coining gold fell into the hands of the western princes, they asserted practically for the first time in European history, that wider doctrine of national Mines Royal which includes both of the precious metals.

Coinage. The prerogative of coinage is fully treated elsewhere. It is only necessary to say here that the authority vested in the Sacred emperor gave him entire control over the coinage of the empire, with power to confer coining privileges on the provinces, cities, and subsidiary kings, nobles and princes, and to fabricate money out of such materials and to confer upon it such denominations or legal value and functions, as he deemed proper. In confirming to the patrician families their ancient right to coin silver, and to the senate its ancient privilege to issue the copper coinage, which was done by Augustus, the emperor did not necessarily surrender his prerogative over those portions of the coinage. Yet, as he did not usually choose to exercise this right, or, as in coining silver, like Augustus, or bronze, like Caligula, he merely shared these functions with others, he may, in strictness be held to have waived or surrendered his prerogative as to both of these last-named metals. This was an error of policy sufficient in time to have involved the state in great difficulties. Such is the nature of money that lawful permission to create and circulate one kind of money substantially equals permission to create all kinds of money; and such a power, when permitted to slip from the control of the state, is enough to eventually break down any system of exchange, and with it any social system, which stands above the level of barter and savagery. However, forces far more active, if not more powerful, than this one, were hurrying the empire toward dissolution; and it is useless to speculate upon the operation, by itself, of this defective principle in the Sacred constitution.[32]

Legal Tender. The axiom preserved by Julius Paulus (third century) that "money was whatever the state made money", was a constitutional principle of the Roman state when that state was governed by free institutes. Of what the lawful money of the state consisted at

[32] Notwithstanding the absolute power granted to Augustus, it must not be forgotten that his elevation followed closely upon the overthrow of republican institutions and that, even had he desired, he would hardly have dared, to deprive the patricians of any of their acquired privileges, whether of patronage, mining, or coining. We have silver coins of nearly all the emperors, but whether they were coined by them or by the patricians under their authority, or partly by both, is not always certain. However, we do know that Titus Antistius, quæstor at Apollonia in Thrace, was compelled to coin silver for Pompey, (Cicero, ad Lucius Plancus A. U. 707,) and that Vespasian coined silver at Antioch. Tacitus, History.

other times, is a difficult problem, which the author has endeavoured to elucidate in other works, and to these the reader is referred, who desires more definite information on the subject. Substantially, the money of Rome at the period of the Gaulish Invasion, consisted of overvalued bronze counters, whose artificial value was sustained by the legal and practical limitations of their total number. Hence, they were called nummi. This limitation was legally fixed by the senate, and the counters were practically guarded against falsification by means of their artistic beauty and excellence; a device which rendered them difficult or impossible to counterfeit. During the Punic wars, silver, and afterwards gold coins, were added to the system. After the conquest of Spain the gentes were permitted to strike and issue silver coins. These additions destroyed the integrity of the nummulary system; and although Augustus pretended, in part, to restore it, this was never done. Overvalued bronze sesterces, issued by the senate, furnished the small change of the Roman monetary system during the early empire; but these were supplemented by imperial silver and silver-plated and pontifical gold coins. As the empire became feudalized, the bronze sesterces, though their issue continued, were altogether superceded, as legal tender, by silver denarii and by the gold solidi or besants of the Sacred emperors; 240 of the former, or five of the latter, making the imaginary "libra", or "pound", of money (argentum) of the dark ages.[33]

Lands, Wills and Conveyances. As the institutes of Rome gradually became feudalized, the right to convey or devise their property in lands, to whomsoever they pleased, which its citizens once possessed, was gradually lost. Had it continued, the military service or other personal obligation, which the citizen owed not to the state, but to a dominus, or suzerain, who stood between himself and the state, might have been defeated, by means of a sale or bequest. With the loss of ability to convey or devise lands, the public land-registries, established under the Commonwealth, fell into disuse, and the office of agrimensor became a sinecure. We shall see the right to convey and devise lands revived, when, in after times, the feudal system fell away, and freeholds were restored. As for land-registries, they are not yet reëstablished in any of those countries which retain any important remains of the feudal system.[34]

Titles of Nobility. Some allusions have already been made to this

[33] Code Theodosius; Del Mar's "Monetary Systems," chapter on "Rome."

[34] Two centuries ago Andrew Yarranton spent his life in the vain endeavour to transplant this and other institutes of republican states into the then, feudal soil of England.

subject. The Brahmins divided all men into nine varnas or castes, corresponding in number to the days of the week. Wherever their religion was carried, for example, into China, Persia, Assyria, Egypt, Greece, Etruria, Gaul, etc., similar castes were established. The design of Buddhism was to sweep away castes entirely, but this design was not accomplished. In all the states where Buddhism was engrafted upon Brahminical stock, caste will still be found, often modified, but nowhere wholly extinguished. The date of the modification in each state appears to have followed the adoption of a year of twelve months. For example, Hoang-ti divided the Chinese year into twelve months, and although his son, Chao-hao, affirmed the ancient institute of nine castes, this was afterwards abolished.[35] In Etruria (the pagan Roman ecclesiastical legends call it "Rome") the case was analogous. "Numa" ran with Buddha[36] in dividing the year into twelve months, whilst he held with Brahma in grading humanity into a number of castes, which began at the top with priests and nobles, and ended at the bottom with artisans and slaves. The Commonwealth substantially abolished caste; and for a long period the Roman state exhibited the peculiar institution (adverted to elsewhere) of a priesthood drawn from all classes of the people. But caste is a weed that cannot be destroyed by mere force of law, whether such law be civil or ecclesiastical. It will only die when human weakness and ignorance ceases to afford it nourishment.

No sooner did Cæsar establish the hierarchy, than the ancient institution of caste, which during the Commonwealth had been suppressed but not extirpated, sprang up again, this time commencing with the army and the court. The seven grades of caste established or perpetuated by Servius Tullius had perished, but the roots of patrician plebian and slave were still in the ground.[37] The civil wars had added tribunes and equites and the Triumvirate had contributed the grades of Prince of the Senate, Count and Reverend.[38] New civil grades (if the term civil be admissible in a hierarchy) were now to be inter-

[35] The Chinese assign Hoang-ti to a remote age; but he is plainly a product of Buddhism. See "The Worship of Augustus Cæsar," p. 80.

[36] The legend runs that Numa was the son-in-law of Tat-Ius, whose reign over Rome commenced in B. C. 747. But Tat and Ius, or Ies, are names of Buddha and the year mentioned was that of the incarnation of Nabon-Issus in the Assyrian mythology.

[37] A similar preservation of ancient caste is to be observed in the French republic of to-day, and may play an important part in the future history of that state.

[38] Cicero calls himself bishop, (episcopus,) of the diocese, (diœcesis,) of the Campanian Coast. Att., v, 21; vii, 11.

posed between the Sacred sovereign and the people, such as Augustus, Cæsar, Princeps, Rex, and Comes Palatini; and new military grades were to be manufactured for the officers in control of the provinces, such as procurator, dux, exarch, ethnarch, tetrarch, etc. Augustus clothed the Roman knights, who ruled the province of Egypt, with the judicial power of Roman magistrates.[39] Allusion has elsewhere been made to the three grades of counts erected by Tiberius. The favorite political maxim of Claudius was that the judicial sentences of the imperial procurators, ought to be in their several provinces, of as high authority, as if they had been pronounced by himself.[40] An edict of Nero refers to "all degrees and ranks of men".[41] The titles of Consul, Proconsul, and Prince of the Roman Youth, were conferred by the senate upon Nero before he became of age.[42] Justin Martyr, A. D. 141, addressed himself to the "Sacred Senate."

Society was beginning to arrange itself into those numerous degrees of feudal subordination which are the inevitable fruit of hierarchical government. To detail this dismemberment, to endeavour to settle the precise relation of ranks, between which there was as yet no precise relation, would be the work of a pedant. The tendency of the atoms of a society governed by superstition, is to fly apart; the tendency of such atoms, when governed by reason, is to combine together. It is not at the beginning of such processes that any natural order is to be observed. There is order; but nobody sees and nobody records it. Presently the order is perceived, then all men hasten to conform to it; they record its movement; and even ascribe to it a miraculous origin; whereas, if they only threw a handful of sand into the air, and observed its fall, they would perceive a similar order, wherein the lightest particles remain behind,[43] Yet, all this time the

[39] Tacitus, Annals, XII, 60.
[40] Ibid.
[41] Ibid, XIII.
[42] Ibid, XII, 41.

[43] Tacitus calls these lighter particles the "thin nobility." Annals, XIII, 8. Manilius sings in a similar strain:

Utque per ingentes populus describitur urbes
Præciuumque patres retinent, et proximum equester
Ordo locum, populumque equiti, populoque subire
Vulgus iners videas et jam sine nomine turbam;
Sic etiam in magno quædam respublica mundo est,
Quam natura facit quæ cœlo condidit urbem.
Astronomicon, Lib., v, l. 730-5.

And as in cities where, in ranks decreed,
First Nobles go, and then the Knights succeed.
The next in order may the People claim;
The Rabble next, a crown without a name;
So are the Heavens by different ranks possessed.
Creech's Trans.

very source of these honours and titles of nobility, the pontificate itself, was substantially unaffected by the new movement. The equality of the priesthood, established under the Commonwealth, remained as yet unchanged. Some of the priesthood, like the Luperci, were recruited from the most ancient or aristocratic families of Rome; others were plebians, freedmen, and even slaves. Like the army and court, the priesthood was ultimately destined to adopt the institute of caste, and to rejoice in its legates, cardinals, prelates, etc., but not yet. There was another peculiarity about the Roman nobility. With other nations, caste was hereditary; with the Romans it was determined by appointment; and this appointment, whether it was that of a duke, count, bishop, præfect, centurion, or petty priest, proceeded in the first instance from the infallible sovereign-pontiff, who throughout the empire was the fountain of both military, civic and ecclesiastic rank.[44]

Dux or leader, appears to have been the title of a military sergeant, dux turmæ, or commander of three decuries, 30 men. It was afterwards applied to the primipilus or senior captain, or centurion, of a legion. This officer had the care of the eagle, or chief standard, and ranked next below the staff. He was also called primus centurio, præfectus legionis, and dux legionis. The position was not only honourable, but profitable. "Smash the tents of the Moors and the castles of the Brigantes", scoffs the satirist, "that by the age of sixty you may rise to the fat post of a standard-bearer".[45] Such was the origin of a duke's title. The important commands afterwards entrusted to the subordinate officers of the prætorian guard increased its importance, until at length it was adopted by the provincial commanders and proconsuls; a circumstance plainly proved by the title limitaneis ducibus[46] and the expression ludere ducatus et imperia.[47]

Claudius made the proconsuls supreme in their respective provinces, though subject and accountable to Rome, and it may have been the better to insure this accountability, that the ducal dignity was kept under control of the supreme-pontiff. Upon the feudalization of the empire, the title of dux was retained by those commanders who succeeded to the government of the great fiefs into which it had become divided. Hence, after the Roman official adoption of Christianity, it became associated with the idea of local sovereign

[44] M. Guizot (I, 93,) argues from the celibacy of the Catholic priesthood that the church cannot be charged with having supported a system of (hereditary) caste, but he does not say that it did not support a system of appointed caste.

[45] Juvenal, XIV, 196. [46] Lampridinus, Alex. Sev., 17. [47] Suetonius, Nero, 35.

power; yet, like the ducal titles of Romulus, Gratian, Theodosian, Alaric and Attila, in the fourth century, of Clovis in the fifth, of Benevento and Spoleto in the sixth, and of Venice, in the seventh, it was a mark of sovereignty which was bestowed by—and whose acceptance therefore acknowledged the supremacy of—the sovereign-pontiff. In short, a duke at this æra was a feudal sovereign, really or nominally subject to the sovereign-pontiff, sometimes really subject in certain respects and only nominally in others. It is a fact, whose significance will be pointed out in another place, that dukes were never attempted to be created by the northern or western kings until after the fall of Constantinople. The earliest of such creations in England was by Edward III. With the Reformation and the decline of the feudal system the title lost both the meaning and authority which it had once acquired.

Comes, a companion, appears to have been a title bestowed originally upon those youths of the patrician or equestrian orders, contubernales, whom it was the custom to send to the provinces with the proconsuls, to guard and attend them and incidentally to learn the art of war, of farming the revenues, and of profitably investing money in the securities of provincial cities. [48] When Julius Cæsar left the proconsulship of Gaul to hew his way to that sacred throne which he designed to erect upon the ruined liberties of his country, he probably incited his comites with the hope of sharing the profits and glory of his elevation. At all events, after his deification, he appointed twelve Counts of the Palace to attend his person and guard his throne. [49] His friend Junius Brutus, he who afterward betrayed and stabbed him to death, was probably one of the twelve. This tragedy threw a cloud upon the title of count, which was never afterwards removed. Although its origin was regarded as more honourable than that of duke, the latter was destined to pass it in the race of glory. The Companions or body-guard of Alexander are frequently mentioned by Quintus Curtius and other historians. During the Commonwealth of Rome the body-guard of the consuls consisted of twelve lictors, a sort of policemen. When the hierarchy was established, the sovereign-pontiff constituted his body-guard exclusively of nobles—"all honourable men." Yet even that precaution failed to preserve his life.

Tiberius created three classes of counts. [50] Constantine created counts of the boundaries, or marks, the origin of the later titles of

[48] Cic., Verr., II, 10; also in his Letters.

[49] The 300 celeres or body-guard of Romulus are alluded to elsewhere.

[50] Selden, Titles of Honour, 296.

marquis, margrave, etc., and it may have also been Constantine who rendered a count and a bishop of equal rank. It was probably in the reign of Theodosius, whose father had been a duke, that this title was established as superior to count. This was done, not by degrading the counts, but by promoting the dukes. Claudius had made the latter supreme in their provinces, but subject to Rome. Theodosius and the feudal circumstances of the time, not only recognized them as supreme in their provinces, but also in some respects independent of Rome. The counts did not share this elevation and so they relatively lost caste. The subordination of duke (sometimes called rex or king) to emperor, and of count to duke, is distinctively shown in Gregory of Tours, the Chronicle of Fredegarius, the Annals of Metz and other medieval texts. The coördination of count and bishop appears in the capitulary of Charles the Bald, 876, in synodo pontigonensi. The higher nobility were appointed by the sovereign-pontiff. This included the ranks of Augustus, Cæsar, Princeps, Rex, Exarch, Dux, Comes and others. With regard to the inferior titles of nobility they were probably granted by proxy.

Slavery. Under the constitution of the hierarchy there were four principal degrees of slavery, of which the servus, adiscriptum glebula, colonus and nexus, were the respective embodiments. I.—The servus was, legally speaking, not a person, but only a chattel. He might be sold at pleasure, imprisoned, chained, scourged, branded, tortured, or even put to death by his master. This class was composed chiefly of prisoners of war, who had refused to surrender. The most contumacious were condemned to the mines. [51] The trade in slaves was conducted chiefly by dealers, who followed the armies and purchased from the soldiers, often for a weight of silver equal to that contained in three or four shillings, say a dollar, each, prisoners who usually fetched an hundred times as much in Rome. [52] Freedmen who had proved ungrateful or insolent to their patrons could be again condemned to slavery. This infamous law created a body of vassals owing fealty to a dominus, who though he had ceased to be an owner, could yet become a tyrant. On this account both Augustus and Tiberius refused to permit the word dominus to appear in their titles. Nevertheless the people insisted in conferring it upon the former. [53] The law which condemned an ungrateful freedman to vassalage must have been repealed after the reign of Claudius, [54] for in that of Nero

[51] "Do not the mines continually groan with the load of heathens?" Tertullian, Apol., A. D. 198. [52] See an instance of the sale of prisoners in Tacitus, Hist.
[53] Suet., Aug., 53 and Tib., 27. [54] Suet., Claud., 25.

complaints were made to the senate concerning the growing insolence of this class towards their former owners. It was proposed to reënact the old law, so that a patron might reclaim his right over such as made an improper use of their liberty; but Nero, to his credit, refused assent to the atrocious scheme and it was dropped. [55] However, it appears to have been reënacted under emperors who were at least nominally Christians. [56] II.—The adiscriptum glebula was a bondsman fixed to the soil, and paying rent or service to the landowner. In one letter, IX, 15, Pliny the Younger complains of being "interrupted with the importunate complaints and petitions of my farm-tenants;" in another, X, 11, he says that "the badness of the season for several years past obliges me to think of making some abatement in my rents." These letters, as well as IX, 20, and others, are those of a feudal lord, controlling a great number of vassals fixed to the soil, who were dependent for justice solely upon his personal clemency. The great mass of ecclesiastical slaves both under pagan and Christian rule were of this class. [57] III.—The colonus was not a slave, but a member of an agricultural colony of Roman freemen, commonly of soldiers, who had served out the usual term in the army, or of barbarians, colonized under Roman laws. Yet, as such colonies were all organized under the protection of Roman patrons, who were able to demand military or other services from them [58] and as owing to the continual increase of new intermediate offices and social castes in Rome, their relation to the Roman state became more and more remote, until it was scarcely to be discerned at all, the colonus was eventually reduced to a condition of vassalage that differed but slightly from that of the adiscriptum glebula. IV.—The nexus was a citizen compelled to work out a debt or ransom. In a certain sense, children, and grandchildren were slaves to the paternal ancestor. Tacitus complains of the Jewish religion that it did not permit a father to lawfully kill his own child. [59] In the reign of Anastasius (491-518) it was provided that the simple rescript of the emperor was sufficient to confer freedom upon a son or a slave, without consent of father or owner. The ecclesiastical organization acquired great strength both of numbers and zeal by admitting some of the slaves

[55] Tacitus, Annals, XIII, 16.

[56] Libertum qui probatus fuerit patrono delatores summisisse qui de statu ejus facerent ei quæstionem servum patroni esse jussit. Justinian's Digest, lib. v, de jure Patron.

[57] Pliny himself was an ecclesiastic and of high rank. Letters, X, 13.

[58] Ulpian, de Servitutes.

[59] Tacitus, History.

into the monastic and priestly orders. Contrariwise, no slave could enter the military service until he had been lawfully emancipated. Out of these institutes were yet to grow very important consequences.

The Provinces. Conquered countries were permitted to be governed either by vassal kings, administering local laws, as in Egypt, Galatia, Cyprus, Syria, (including Judea,) Greece, Parthia, etc., or by rulers—proconsuls or prætors—appointed from Rome. In the latter case such countries were governed by Roman laws, either hierarchical, or proconsular, or both. Provinces were otherwise divided into two classes, imperial and senatorial; the former being directly under control of the sovereign-pontiff, as Syria when it became a province, all of Egypt, all, except the southern portion (Bœtica) of the Spanish Peninsula, all of Gaul, (including Britain,) all of Germany, (including part of Saxony,) and some others. Twenty odd legions of Roman troops were employed to enforce these regulations. Under Augustus, the proconsuls exercised only a civil authority, the army being subject to direct imperial control; under Claudius, as before mentioned, the proconsuls were also clothed with military power.

The lands of the provinces either by consecration, testament, taxation, donation, or purchase, fell chiefly into the hands of two classes, the Roman patricians and the Roman (pagan) ecclesiastics. In many of the provinces a portion of the lands were allotted to Roman citizens or soldiers for past services upon emphyteutical or other conditional tenures. This practice was as old as Sylla. After him Julius Cæsar, Augustus and other sovereign-pontiffs allotted lands to their soldiers, either for past or future services. [60] Another class of beneficiaries, vectigales, were permitted to acquire or retain lands in the provinces upon a tenure of future military service, or upon condition of paying a portion of the produce for rent, census soli, to the proconsul or proprætor. [61] Such rent was paid variously in corn, cattle, hides, forage, horses, wood, etc. [62]

As soon as a newly acquired province became Romanized it was obliged to furnish soldiers for the legions, a provision from which Italy was exempt. In order to practically disseminate the Roman language, customs, and religion, the legions recruited in the older provinces were shifted into the newer ones, a system of transplanting which was afterwards followed by Charlemagne, in Saxony, Frisia, Hungary, etc. The provincials had no right to vote and could not

[60] Suet., Cæs., 18, 22, 25, 26, 28, 47, 50, 54; Tacitus, History.
[61] Cicero, Cæcilius, II, 10; de provs. cons., 5.
[62] Vopiscus, in Prob., 15; Tacitus, Annals, IV, 72-4; Cic., Phil., II, 25.

hold office. This provision was overthrown when Nero granted the rights of Roman citizens to the free inhabitants of Greece, Galba to those of the two Gauls, and Caracalla to all the free inhabitants of the empire. The consul or prætor in command of a province was called proconsul or proprætor; at a later period, dux or rex. The rapacity of these officers is attested by Cicero, Tacitus and Juvenal.

Free Cities. Cities, either in Italy or the provinces, whose inhabitants had been made Roman citizens, were called municipia. Citizenship included the rights of liberty, of freely removing from place to place, of property, inheritance, worship, voting, holding office, whether civil or ecclesiastical, disposing of property by testament, and others.[63] The inhabitants of some cities were accorded all the rights of citizenship, except such as could not be enjoyed unless they resided at Rome. Other cities possessed only a portion of these rights; a few like, Nemausus (Nismes) in Gaul, exercised peculiar rights. The municipia were at liberty to enact their own municipal laws. Anciently there were no free cities except in Italy; afterwards they became numerous, many of them purchasing their charters from the sovereign-pontiff. Pliny mentions eight free cities in Bœtica alone, and 13 others in Hither Spain.[64] Indeed they were scattered all over the empire, and to some extent were conservators of the ancient institutes of liberty.

Fairs, feriæ, were days of rest, sacred-days, wake-days, fête-days or holidays.[65] Every ninth day or nundine, was a feriæ or fair-day, upon which no business, except such as the pontificate prescribed, could lawfully be transacted.[66] As on the nundine, the peasants resorted to the cities to celebrate, in the temples, the festivals of abstention from labor and to see the shows, it became a practice, which the pagan church licensed, and from which it derived an income, for the citizens to sell wares to, and purchase produce from the peasantry in the open spaces, near the temples. Such fairs are mentioned by Celsus in the second century, as reported by Origen in the third, by the writers of the Constantine period, by Zosimus, a Greek historian of the Theodosian æra, and in the Digest of Justinian.[67] With ref-

[63] The pontificate practically destroyed the privilege of citizens to fill the ecclesiastical offices, by extending it to slaves. For nearly a thousand years it withheld from citizens the right to dispose of property by testament.

[64] Nat. Hist., III, 8.

[65] Ferias ac jocos celebrare., Liv., I, 4.

[66] Laws of the Twelve Tables, table III: Michelet, p. 444; and Livy, III, 35 and VII, 15.

[67] Digest, lib., XI, 1. In other parts of this work the reader is furnished with ample evidences of the fact that not only the Romans, but many other nations also, kept the ninth day. He will only be detained here with an additional example of the theory

erence to the custom of holding fairs within the precincts of churches, this was common, both to Brahminical India, Assyria and Rome, and afterwards at Mecca. So late as A. D. 1001, the emperor Otto granted in fee to the church of St. Cameracensis in Castellum Santa Maria, the right to build, establish and conduct within its precincts a market and money exchange (tabula nummularia) together with a toll-booth (telloneum) and corn-mill (bannum), "in such a way that no duke, marquis, count, or other person shall have any power over the same". After having obtained these rights from the emperor, the managers of this church cunningly obtained from other sources what they claimed was a right to coin money; so that, combining these various functions together, they drove a very lucrative business.[68]

After the Roman week had been changed by the Christians to seven days, fairs, with the usual shows and sales of wares, were held on the seventh, instead of the ninth day, on Sundays instead of Nundinæ. They were conducted in the open spaces near the Christian churches, which, like their pagan predecessors, granted indulgence to such fairs, opened them with prayers and invocations, and received from them a profit. This fact is made a source of complaint by St. Basil, fourth century, and is attested among other evidences by the German name for fair, which is messe, or mass, both having been conducted on the same day and under ecclesiastical auspices. Indeed, Sunday fairs, within the grounds of temples and churches, are still held in many parts of Europe. The English name for fairs, namely wakes, or weeks, proves the nundinal and ecclesiastical origin, because they bore this name before the week was altered by the church to seven days.

Besides weekly fairs, there were others at longer intervals, commonly once a year, called great fairs. An annual fair held at Cremona, A. D. 69, was the temptation which induced the troops of Vespasian to sack and destroy that city.[69] A fair was held at Lyons, on the Rhone, in the reign of Marcus Aurelius.[70] About A. D. 365, Abdallah, with 500 horsemen, captured the fair of Abilah in Upper Syria.

that in order to make good the myths which they found it necessary to accept from the eastern provinces of the empire, the Roman priests falsified all history and that modern historians have carelessly accepted this falsification as true. Carr, Rom. Ant., 368, citing Carl Otfried Müller, Die Etrusker (1828) II, 324 and Ideler, Handbuch, II, 63, etc., alludes to the nundine as "an eight-day week of very ancient institution," whilst others, with equal assurance, backed, as in this instance, by very unsatisfactory evidence, continue to proclaim that the Roman week was always of seven days. However, this does not make it so. The evidences prove that it was in fact nine days.

[68] Du Cange, Moneta tabula nummularia, et Moneta baronia.

[69] Tacitus, History, III, 32.

[70] Eusebius, V, 1.

In the narrative of the embassy of Theodosius II., to Attila, the Hun, we read of a great fair on the Danube in the year 449. At these fairs slaves were often sold, and this, both before and after the adoption of Christianity. In virtue of his office of pontifex-maximus the sovereign-pontiff had the right to establish or prohibit markets and fairs, and to lease and farm their revenues; privileges whose exercise seriously affected the prosperity of the places in which they were held. Thus, in the narrative above cited, Attila demanded of the emperor that the great fair held on the Danube should be removed to Naissus, a town in Attila's fief, distant five days journey southwest from the river. Great fairs were established not so much to exhibit the excellence of wares, products and chattels, as to sell or exchange them for others. For this reason, during the medieval ages, when money was scarce, they assumed great economical importance. Ordinary purchase and sale, without "permutation", had become difficult. The latter was a system of clearings or off-setting of accounts, which could only be practiced at fairs, and which, while it substantially avoided the inconvenience of barter, dispensed to a certain extent with the use of money.

Great fairs are of much higher antiquity than Rome. They originated in India with the Sacred fair of the tenth, now the twelfth year, when the sun completed the zodiacal circle, anciently of ten, now of twelve, subdivisions. They formed a portion of the ceremonial belonging to the Sun-worship, and were afterwards, successively appropriated by the Brahmins, Buddhists, Magians, the Greek and Roman polytheists, as well as by the worshippers of Augustus, Dionysius and Christ. In all these religions the ecclesiastical establishment received or shared the profits of the fairs, and in India they do so to the present time. At Hurdwar, on the Ganges, is a sacred pool, which is visited annually by large numbers of pious Hindus, who come from all parts of Hindustan to be baptised in the holy river, at the vernal equinox, when the Sun enters Aries, a period corresponding to our Easter. This ceremony of baptism is performed while a great fair is held in the vicinity. Every twelfth year, when Jupiter enters Aquarius, while the Sun is in Aries, the great fair becomes one of special sanctity. This is called the Kumbh Fair."[11]

Rights of War, Peace and Treaties. The prerogatives of declaring

[11] From a Minute of the Provincial government of Allabahad, alluded to in the London Times of February 3rd, 1892. The attendance at the Kumbh Fair in 1867 was 1,250,000 persons; 1879, 600,000; 1891, on the baptising day, something under half a million.

and making war and peace and treaties, anciently exercised by the senate, were all absorbed by the sovereign-pontiff upon the establishment of the Sacred constitution, and were exercised in virtue of his sacred office. All wars and treaties were sanctified by religious rites. The ordinary flag of truce was an exhibition of sacerdotal vestments, which, as now, were always made of white-linen; hence, the white flag, which is still in use, is an ecclesiastical token."[72]

Calendar. The emperor being also the pontifex-maximus had the right to fix, regulate and alter the æra and calendar. This right was exercised by Julius Cæsar, Augustus, Claudius, Nero, Diocletian and others. The subject is treated at great length in the author's work on "The Worship of Augustus Cæsar."

Foreign Ambassadors. Under the Commonwealth, the senate nominated out of its own body all ambassadors sent from Rome, and reserved to itself the right to deal with foreign states and to treat with foreign ambassadors.[73] These rights, or the Jus Legationis were afterwards absorbed by the sovereign-pontiff; and during the empire the appointment of Roman legates to treat with foreign states, and the reception of legates from foreign states, became sacerdotal functions.

Corporations. The creation and endowment of these artificial bodies was always an ecclesiastical function. It probably grew out of the ecclesiastical power over public assemblages.[74] From the earliest ages of Rome its cities acted in a corporate capacity and possessed rights, owned lands, borrowed money, and exercised other functions, in community.[75] Their boundaries were laid out and their communal functions were bestowed by the priesthood. Beside municipal corporations, the Romans had several other classes, as sacerdotal, ceremonial, charitable, professional, commercial, industrial, etc. These were designated by the general name of collegia, socii, or sodalitiis. The Sacred college, the Fratres ambarvales, the Luperci, the Curetes who carried in procession the image of Bona Dea, and were privileged to solicit alms,[76] are examples of sacerdotal corporations; the College of Heralds[77] was ceremonial; the Society of Am-Issus, in

[72] Tacitus, History, I, 61; Livy, XXIV, 30.

[73] Livy, II, 15; XXX, 26; XLIII, 19, etc.; Livy, VI 26; VII, 20; XXX, 17; Cic., Vat., 15; Dom., 9.

[74] Trade-guilds were established by the Brahmins of India. Each guild (ras) was bound together by religious rites and had its own pontifex. Higgins, Anacal., II, 297. The hans or hongs of China were somewhat of the same character.

[75] Cicero's Letters.

[76] Cic., de Legg., II, 9, 16.

[77] Livy, XXXVI, 3.

Pontus, was one of charity; [78] the College of Prætors [79] the Scribæ, and the Fire Brigades, [80] were professional; the Farmers of the revenue and the colleges of Merchants were commercial; while the Naviculariі of Alexandria, the Nautæ of Paris, etc., were industrial. [81] The first industrial corporations or trade-guilds are attributed to the time of "Numa." About the middle of the fifth century of Rome, when the people obtained control of the Sacred college, all commercial corporations, new or old, were abolished, [82] and for more than two centuries the Commonwealth was left to develope its resources without the assistance of such fraternities. In A. U. 695, that restless intriguant, P. Clodius, procured the reinstatement of collegia and increased their number, many of these being probably political clubs; for some of them admitted slaves and the very dregs of the populace. [83] When Julius Cæsar became sovereign-pontiff these clubs were suppressed; and the only corporations permitted to assemble were the sacerdotal, ceremonial, and official colleges, and the trade-guilds of ancient date. [84] All these, as before, were subject to the Sacred college, which could extend at pleasure, enlarge, or limit their powers, or destroy them altogether. [85]

Navigation Laws. The Roman laws forbade the carrying of merchandise between Roman ports in any but Roman bottoms; and except during those portions of the dark and medieval ages when the Gothic princes of Saxony, "Frankland" and Britain, and the Moslem princes of Asia, Africa and Andaluz acted independently of the empire, these laws were rigidly enforced and faithfully observed. After the fall of the empire, the enforcement of the navigation laws in western Europe fell into the hands of the Western kings.

Public Notaries. During the Commonwealth, scribæ, or public notaries, in bodies of ten, or decuries, were employed to record the transactions of the senate, the courts of justice, and other public

[78] Writing from Pontus to the sovereign-pontiff at Rome Pliny uses the following language: "If the prayer of the Am-Iseni, which you refer to me, concerning the establishment of a charitable society, be agreeable to their own laws, which by the Articles of Alliance it is stipulated they shall enjoy, I should not oppose it, especially if these contributions are employed not for the purpose of riot and faction, but for the support of the indigent. In other cities, however, those which are subject to our laws, I would have all communities of this nature prohibited." Ep., x, 94. This policy extinguished the right of assemblage.

[79] Cic., Off., III, 20.

[80] Pliny, Ep., x, 42.

[81] "A college of merchants" is mentioned in Livy, II, 27.

[82] Livy, x; Cic., Piso, IV.

[83] Cic., Piso, IV.

[84] "Cuncta collegia prætor antiquitus constituta distraxit." Suet., Jul., 42.

[85] For trade-guilds in Great Britain, see Palgrave, I, 349.

bodies, to register births, marriages, divorces, adoptions and deaths, also deeds of conveyance and other documents. They also performed some of the functions of the modern solicitor or conveyancer. The scribæ of this period were slaves or freedmen; and it was not until the brave exploits of Caius Flavius, A. U. 449, that the order received any decided accession of dignity. [86] After the epoch of Sylla, the scribæ were organized into a college, to which none but free-born citizens were admitted, and at this period, they are alluded to with great respect by Cicero. [87] Under the empire, many of their functions, including the registration of wills, testaments, conveyances, births, marriages and deaths, etc., fell into the hands of the church; and the creation of scribæ became a prerogative of the sovereign-pontiff and was exercised on his behalf by some high official of the hierarchy, who not only appointed the notaries of Rome, but also those of the provinces, however remote. Both Claudius and Domitian enforced the Clodian law which inhibited notaries of the treasury from the pursuit of traffic. [88]

Weights and Measures. Lanciani, pp. 39, 41, upon the evidences afforded by the archæological remains of Rome, lays it down in substance that the pontiff-maximus had charge of the standards of the imperial weights and measures and alone had the right to regulate them. From this it would follow that only the weights and measures prescribed at Rome could lawfully be employed in the provinces, no matter how distant they might be from the capital.

Here must end our examination of the Roman hierarchical Constitution. For the purpose of this work it is not necessary to proceed any farther. The difficulty of tracing its outlines is not altogether due to the destruction or mutilation of classical literature. It is due also to the introduction of the pagan, and afterwards the Christian, ecclesiastical literatures. More than all, it is due to the ill-defined and shifting character of the constitution itself, which, through its continual change toward vicarious government, was never at rest, and therefore could hardly have been set forth with precision by the

[86] Livy, IX, 46. [87] Verr., III, 79.

[88] Suet., Dom., IX. During the Commonwealth marriage was not a religious sacrament, but a civil contract. Such was also the case in the Scandinavian states until the introduction of Christianity. Du Chaillu, "The Viking Age," II, 2, 12. Under the pagan Roman hierarchy marriage became a religious sacrament, and as such it was continued by the hierarchy when it became "christianized." The inhibition of treasury officials from the pursuit of traffic still finds a place in modern legal codes, e. g., in that of the United States of America.

most accomplished lawyer that Rome possessed. Something of this sort is confessed by Tacitus at the opening of his History, where he says of the Augustan period, "A new constitution was established, undefined and little understood." It is sufficient if we have succeeded in portraying some of its leading principles and the direction toward which their operation extended. These principles were chiefly the worship of Augustus as the Son of God, or of the reigning emperor, his vicegerent on earth; the establishment of an Hierarchy of which the reigning emperor was the high-priest; and of a system of incipient Feudal relations between the church and the land, between emperor and nobles, patron and client, owners and slaves, Rome and her provinces. This system was soon to result in such divided authority that there practically existed no appeal, either lay or ecclesiastical, from the tyranny of proconsuls, the injustice of proprætors, or the rapacity of tax-gatherers. Rome was too far off. In the reign of Nero, when Fonteius Capito was merely a legionary commander on the Lower Rhine, he sat in judgment upon a soldier, whom he condemned to death. "Then," said the prisoner, "I shall appeal to Cæsar." Capito arose and placing himself on a higher seat of the tribunal said to the man: "Now, appeal to Cæsar (he is here); make your defence in his presence." The soldier ignorantly obeyed, and, as a consequence, was condemned to execution. This incident characterizes the drift of the entire system of government at the period named. In the hierarchy, planned by Julius and carried out by Augustus, the city of Rome was made the pivot upon which all the affairs of the world were required to turn; and there both Herod and Tiridates knelt to receive their vassal crowns and swear fealty to their suzerain, the Augustus. After being centred in the Augustus the imperial powers became feudalized and fell to the proconsuls and their vicars.

In sacred empires of limited area, like Egypt or Japan, centralization of government does not seem to have been attended with the same disadvantages of administration; but the Roman empire was so extensive and its centralization so extreme, that its powers rapidly and largely fell into the hands of feudatories, who made haste to enforce other decrees besides those of a distant and over-occupied sovereign. When the widespread injustice and inconvenience which this system occasioned, is taken into consideration, it should occasion wonder, not that the empire broke to pieces, but that it lasted so long as it did last.

CHAPTER VIII.

CHRISTIANIZATION OF THE ROMAN INSTITUTES.

Appropriation of the pagan ecclesiastical organization, its myths, ceremonies, priests, vestments, temples, lands, treasures, revenues, slaves, rites, symbols, and dates—Illustrations—Æra—Year—Festivals—Week—Calendar.

MODERN historians are far from being agreed in respect of the influence exercised by Christianity upon Roman civilization. Some, with Dr. Adams, suppose that Christianity made few or no changes in the constitution, while others claim that a complete revolution took place, that the light of the gospels penetrated every mind and converted the Roman world at once to a new religion and a new mode of life. Archæology definitively settles this dispute and finds that the truth is between these extreme opinions. There were changes in the constitution, but there was no revolution. Catholicism entered the Roman world in much the same quiet way and from somewhat the same cause that Protestantism afterwards entered it. That cause was the corruption and avidity of the Roman pagan church and the doubts which direct intercourse with the Orient had cast upon its history and pretensions. [1] The Catholic reform was instigated by the

[1] It will be borne in mind that the Roman church of the fourth century insisted upon the worship of the reigning emperors and yet tolerated numerous other sects, as the worshippers of Julius Cæsar, of Augustus, of Venus, of Manes, of Mithra, etc. The mythology of most of these religions, so far as it was publicly known at that period, was derived chiefly from Homer, Hesiod, the Sibylline books, and Virgil. With the reopening of direct commercial intercourse between India and Rome the Greek and Roman mythologies received a tremendous blow. The pagan incarnation myth, and all the mysteries and doctrines that hung upon it, were at once perceived to be Indian, and of much greater antiquity than the legends of Cres, Jasius, Bacchus, Belisus, Nabon-Issus and Romulus, or the deifications of Alexander, Seleucus, or the Cæsars. Direct intercourse between Rome and India was first rendered possible when Cæsar conquered Egypt; it was greatly enlarged when Augustus dredged and reopened the Suez canal. This he seems to have done in B. C. 30. Suetonius, Aug., 18. A few years later, Strabo described the Indian fleet of Tiberius passing through this cutting into the Red Sea. The earliest Roman coins found in the Indian topes were denarii of Julius Cæsar, Marc Antony, Augustus and some family coins. E. Thomas, "Jainism," p. 65. Coins of Augustus were very common in India.

class which these pretensions most disgusted, and to whom the Eastern myths were most familiar; a class which included the best families of Rome, the Anciani, Bassi, Paulini, and Gracchi.[2] The changes at first made in the constitution were so few and unostentatious that, as has been elsewhere shown with reference to Britain,[3] they were scarcely noticed in the distant provinces, indeed they had but little effect anywhere beyond the immediate neighbourhood of the Roman temples and centres of ecclesiastical activity. A thousand years after Catholicism is said to have been preached in Rome it was almost unknown amongst the Huns of Pannonia, who lived less than 500 miles from the Eternal city. Charlemagne in the eighth century had indeed prescribed it to the Avars, and that, too, with fire and sword; but not until the eleventh century was it generally accepted in the province which we now call Hungary.

The first article of the Roman constitution and of the Roman church, from the first, certainly to the fourth centuries, the basis of the Sacred Empire, the cornerstone of imperial civilization, was the worship of Julius Cæsar, or of Augustus, or of their official successors, the reigning emperors of Rome; the establishment of this worship as a national religion; and the application to its support of landed estates, slaves, tithes, and other properties, revenues, or resources of the state. The first change which Christianity attempted, was to discourage this impious and degrading worship. This change was brought about so noiselessly that the new religion slipped almost into its place as the legal religion of the state, before precipitating any general disturbance.

Christianity offered to the Romans a heavenly in place of an earthly deity; a vicarious atonement for human sin, in place of limitless ambition and cruelty; a picture of the earthly life of a pure and loving Saviour as opposed to the violence, sensuality, and infirmities of the deified Roman sovereigns. It offered hopes of social freedom, it foreshadowed the alleviation of caste and slavery, and with these reforms it promised a restoration of the family. These are reasons potent enough to account for its acceptance in Rome without the intervention of miracles. Its special fitness for Rome[4] is precisely what temporarily disqualified it for the provinces and delayed its acceptance in all places remote from the capital. The Goths saw behind

[2] The author of Paul's Epistles avers that at Jerusalem he first tried to convert the people of "reputation." Galatians, II, 2.

[3] "Ancient Britain," chapter X.

[4] When the religion of Galatia had been followed in Rome for several hundred years, it had degenerated in Galatia beyond recognition.

it a continuance of the hierarchy and passionately rejected it; whilst the Hebrews stubbornly refused to substitute it for the worship of Jehovah. In offering as an object of adoration, a sinless Son of God in place of the sovereign-pontiff of Rome, Christianity effected the main purpose of its mission at a single stroke; the principles which it was foreseen would spring from the reform were bound to blossom in time; therefore at the beginning it practically stopped short with this simple change and demanded but little more than faith in the Christ, a demand which Theodosius took care to render effectual by the severe penalties which he attached to nonconformity.

The nature of the empire was not altered by this change of religion, it was still an hierarchy, it was still the Sacred empire, indeed more sacred than before, its emperor was still the sacred emperor and he was now, as the Christian pontifex-maximus, the vicegerent of Christ upon earth. The laws, the morals, the customs, rites, symbols and ceremonies of Rome all remained for a time substantially unchanged.

Mosheim [5] cautiously remarks that "the primitive Christians used the very same terms employed in the heathen mysteries and adopted some of the rites and ceremonies of which these renowned mysteries consisted." In Rome and afterwards in the western provinces, the ecclesiastical organization, the priests, vestments, lands, treasures, revenues, livings, slaves, mysteries, rites, customs, ceremonies, festivals, symbols, "properties," zodiacs and calendars of paganism, were all, or nearly all, adopted by the early Catholics; indeed some of them, as steeples, bells, crosses, tonsures, crooks and the like, are so ancient that they can be seen painted on the Egyptian scroll of Ani and written in the Book of the Dead. [6] The Roman pagan temples were changed into Christian churches, sometimes by mere reconsecration, as the Cæsarium of Alexandria, [7] the Augusteum of Ancyra, the temple of the Celestial Venus at Carthage and the Pantheon of Rome (formerly dedicated to "Cybele and all the gods," afterwards to "Mary and all the saints"); [8] sometimes they were changed by

[5] Ecc. Hist., I, 204.

[6] Modern works on the History of Architecture do not notice steeples or spires further backward than the Norman age.

[7] Socrates, VII, 15; Evagrius, II, 8. Athanasius says it was rebuilt, but is not supported in this assertion by the other ecclesiastical writers. St. Peter's and St. Clement's of Rome, the Cathedrals of Cologne, Notre Dame, (St. Stephen's,) of Paris, Westminster, (St. Stephen's,) and St. Paul's, of London, and hundreds of other Christian churches, stand on the sites of pagan temples.

[8] Brady, II 241. Pope Boniface IV. says, in the inscription now on the edifice, that it was formerly dedicated to "Jove and all the gods;" Brady says it was to "Cybele

demolishing the sacred edifices and using their materials to construct new ones.[9] There are even instances where the original pagan name of the temple was preserved. Thus, the temple of Apollo was rehabilitated as the church of Saint Apollinaris, and that of Mars as the church of Sta. Martina, the latter with this inscription:

> Martyrii gestans virgo Martina coronam
> Ejecto hinc Martis numina Templa tenet.
>
> Mars hence ejected, Martina, martyred maid,
> Claims now the worship which to him *was* paid.

The burial-grounds belonging to the pagan temples were legally acquired by the Christian congregations and continued in their previous use without interruption. The cemetery of Montmartre (mons Martis) at Paris derived its name from a temple of Mars, which stood upon the hill during the Roman period. It has therefore, probably, been used as a burial-ground for upwards of eighteen centuries. During the empire there were 424 temples in Rome; there are now 365 churches which supplant them, the difference in number being about one-seventh. Many of these churches stand upon the grounds of the ancient temples and are constructed of the same materials.[10]

Some of the pagan customs, which were adopted by the Catholics, have been already discussed. It will now be instructive to examine the character of some others, and to observe how little they disturbed the previously existing order of affairs. Such an examination will hardly fail to prove that the prodigious difference which now exists between paganism and Christianity has been the work of time, and that the grandeur and sublimity which distinguishes the latter is

and all the gods." The reader can take his choice between these authorities. A number of similar reconsecrations are mentioned in Rudolfo Lanciani's "Ancient Rome," London, 1888, p. xiii. Among them is the temple of Mater Matuta, now San Stefano, or St. Stephen's, of Rome.

[9] The metempsychosis of temples has been similar to that of religious ceremonies. Belzoni reported that the pyramids—some of the smaller ones—were built from the materials of still more ancient temples, many of the stones having inscriptions upon them which denote their remoter antiquity. The same statement is made by Perrot and Chipiez, "Egyptian Art," I, 322. In a similar manner, the Romans robbed the Etruscans, many of whose gods now stand in our museums falsely ticketed with Roman names. St. Peter's is built almost entirely of anciently carved stones and its erection "did more injury to classical remains than ten centuries of barbarism." (Lanciani, p. 154.) As we robbed the Romans, so shall we be robbed in turn. The law of Nature is eternal evolution.

[10] Lanciani's "Ancient Rome." In A. D. 382-8, there were "many pagan temples and altars in all the streets of Rome." St. Ambrose, to the emperor Valentinian II. *re* Symmachus.

derived entirely from moral sources, and does not at all reside in those forms, rites, observances, festivals or legends, which the ignorant in all ages have been urged to regard and have clung to as the essential part of religion. It was perhaps because they were imbued with this belief that the fathers of the Christian reform cared little what cosmogony, ritual or calendar was adopted, provided they succeeded in weaning Rome from the degrading worships into which it had fallen or been forced.[11] They made no attempt to change the nature of the Roman constitution. The government went on after the reign of Theodosius precisely as it had gone on before his reign, that is to say, continually sinking into a more and more feudal form; yet always retaining enough vitality to wind its shrivelled arms around the distant provinces.

The Æra. During the Commonwealth the Romans reckoned by Consulates, and, when the period of these was unfamiliar, they reckoned by reference to the Greek Olympiads. The Ludi Sæculares which were celebrated every 110 years also afforded a convenient basis of reckoning. The custom of reckoning from the incarnation of Romulus, or as it was ingeniously misnamed, the year of the building of the city, A. U. C., does not seem to have grown up until near the Julian period. After the deification or incarnation of Julius Cæsar, which occurred on the winter solstice of our B. C. 48, it became the custom to reckon time from that event, and although some half of a century later this æra was superceded by the date of the Advent, Apotheosis, or Ascension of Augustus, the Julian æra had already taken root in Roman Africa, Spain, Portugal and Southern France, where it continued in use down almost to the period of the discovery of America, and is still seen on numerous charters preserved in the National Museums in London, Paris and Madrid.[12]

The reform of the calendar, made by Sosigenes, under the direction of Julius Cæsar, was, according to Mommsen[13] and Dr. Morrell, one year before the death of Julius; according to Dr. Adams and Mr. Carr, it was two, according to Noël it was three, and ac-

[11] Mr. E. P. Meredith and other scholars, who, like him, have attempted to prove that "Christianity was originally a priapic religion and continued so until a very late period," make the mistake of assuming Christianity to be some fixed form of faith. It never was fixed and never will be. In each age of its existence, considered by itself, it represented as nearly as was practicable the highest religious ideals of man. Whatever grossness it ever contained was shared by all contemporaneous religions practised in the same places.

[12] Excepting in Egypt and some of the Asiatic provinces.

[13] Mommsen, IV, 586, ed. Dickson.

cording to Dr. Smith, four years before. By some writers the beginning of the Julian year is believed to have been adopted from the date, and because, of this reform[14]; but to such a theory there is a fatal objection; æras intended for popular acceptation are never based upon mere scientific reforms, because this would doom them to disuse, (witness that of Scaliger, mentioned below,) but upon some great mundane event, real or imaginary, and easily comprehended and recalled by the popular mind. The event commemorated by the Julian æra was the deification of Julius Cæsar in the temple of Jupiter Ammon, B. C. 48, shortly after the battle of Pharsalia. The text of Tacitus reckons from "the battle of Philippi," when Brutus and Cassius, who had overthrown Cæsar, were themselves overthrown. But this text is corrupted, or else Tacitus had an æra to himself; for nobody else used it.[15] The ecclesiastical historians, Evagrius and Pope Gregory XIII., both alluded to the Julian æra (our) B. C. 48; but the former evasively called it the æra of Antioch. It is easy to see why Evagrius was made to prefer the name Antioch to designate the common æra of his reputed day rather than that of Julius, whom he regarded as Anti-christ; and why the Benedictine authors of L'art de Verifier les Dates and the Abbé Lenglet de Fresnoy sought refuge in similar evasions; but there is no excuse for those modern historians and chronologists who insist upon calling the Julian æra the "Spanish," weakly attributing it to "the year following the conquest of Spain by Augustus."

With the Advent of Augustus everything was changed. The interval between those actual events which synchronised with the pretended incarnation of Romulus or the supposed building of Rome (say 738 years before) was altered in the the record of the Quindecemviral College to the extent of seventy-eight years, in order to bring the Sixth Ludi Sæculares exactly to the year of the Advent of Augustus. Censorinus distinctly says that according to the Quindecemviral records the Ludi Sæculares were instituted in A. U. 298, in the consulate of M. Valerius and Sp. Verginius. This date, A. U. 298, is a Quindecemviral one: subtract two Ludi Sæculares from it, that is to say twice 110 years, and the remainder measures the alteration made by the Augustan astrologers, namely seventy-eight years, because the Ludi Sæculares marked an astrological epoch—one-sixth of an æon, or the cycle of an incarnation—and the incarnation in this case

[14] Putnam's Cyclopedia of Chronology, p. 42.

[15] That the text of Tacitus has been corrupted is asserted by Gibbon and admitted by all the critics. Several extensive portions of it are entirely wanting.

was that of Romulus. Censorinus also says that the great Festival marked by these games was celebrated by Augustus and Agrippa A.U 737 in the consulate of C. Furnius and C. Junius Silanus. Add the fraction of a year dropped from the calendar by the Augustan astrologers and this makes A. U. 738. Add fifteen years afterwards restored to the calendar by the Christian astrologers and it makes A. U. 753, this (753) being the number of years allowed by the Christian astrologers between the building of Rome and the Nativity of Jesus.

It can be shown beyond a doubt that the Ascension of Augustus and the Nativity of Jesus related to the same year and that after the date of the former was bestowed on the latter, it (the Ascension of Augustus) was pushed out of place fifteen years to destroy its identity. By our calendar the date of the death and pretended Ascension of Augustus was August 29th, A. D. 14. On the winter solstice or Brumalia following this notable event a new æra was begun and the first year was called the year 1, Anno Domini, of our Lord, meaning Tiberius, but as that prince refused to be worshipped or addressed as a god, Anno Domini was finally assigned to Augustus, whose æra, so far as the year is concerned, was thus shifted from that of his Advent to that of his pretended Ascension into heaven, as mentioned by Suetonius and other writers of the period. Subtract the fifteen years corruption of the calendar last named from A. D. 14 makes one year before A. D. 1. This was the year both of the Ascension of Augustus and the Nativity of Jesus.

It is claimed by the Latin Sacred College that in A. D. 528 a monk named Dionysius Exiguus calculated and fixed the æra of Jesus Christ, which he commenced on December 25th, A. U. 753, but this claim is not supported by the facts in the case. What is known to have occurred is that either in the eighth century or later, but certainly not in the sixth century, somebody, whether Dionysius Exiguus or not, is immaterial, altered the Augustan æra to the extent of fifteen years by adding that number of years to the Roman calendar; and, calling the Augustan æra that of Jesus Christ,[16] he pro-

[16] The Christian æra, attributed to Dionysius, is said to have been carried into Gaul by the monks, toward the end of the sixth century. It is also said to have been mentioned at the Council of Chelsea, 816, and used by Charles the Bald in 877 as "the year of our Lord;" but in fact it was not publicly nor commonly employed as the "Christian" æra in either France or England until some centuries later. Indeed, it did not supercede the "Augustan" æra in Italy until the Renaissance, nor the Julian æra in Spain or Portugal until shortly before the discovery of America. Therefore its use in the text of Charles the Bald does not imply either its recognition as the "Christian" æra or its general adoption in France. That prince was the king of Italy and a vassal of Pope John VIII.

cured its acceptance in the city of Rome, beyond whose precincts, however, it quite failed to take root; for the provinces continued to employ either the Julian or the Augustan æra.[17]

Several attempts are alleged of the fourth and fifth centuries to get rid of the Julian and Augustan æras, because they were a continual reminder of the impious religion of imperial deifications. Thus it is claimed that the general ecclesiastical council, (which assembled at Nicea, in Galatia, Anno Julio 373, or A. D. 325) ordered that the æra among "Christians" should celebrate the victory of Constantine over Maxentius, 8 cal. October, in the year now called A. D. 312, and that every period of fifteen years from the first day of the following year should be marked by an Indiction.[18] It is claimed that the Constantinian æra was adopted by the Latin church in 342, and attempted to be made general throughout Christendom; but, if so, which is very doubtful, the attempt completely failed. The ecclesiastical writer, Socrates, who is assigned to the fifth century, in choosing an æra which he thought would be commonly understood, deemed it necessary to revert to the old Greek olympiads. For example, he says that the Emperor Valens was killed in the fourth year of the 289th Olympiad; but nobody followed him in this revival of the olympiads; and it fell as flat as the æra of Constantine. The æra of Julius or Augustus Cæsar still continued to remain the point of time from which the Roman world dated all its transactions. It was not until after the time of Mahomet that any Christian æra, known as such, was in public use anywhere. Some of the eastern provinces had substituted for the Julian or the Augustan æra the regnal year of the various sovereign-pontiffs of Rome,[19] or that of Alexander, or that of Demetrius, or that of Diocletian. Most

[17] The determination attributed to Dionysius Exiguus has not even met with the approval of modern mythochronologists, among whom there are no less than eleven different years assigned to the incarnation of Jesus Christ.

[18] A tribute was levied every fifteen years and called an indiction; a term which was afterwards applied to the period itself. Indictions are mentioned in the Theodosian code; but the Nicean story is probably anachronical, for the custom of dating by indictions appears on coins of a date earlier than Constantine. Indictions are mentioned by Pliny the younger. They probably began B. C. 30.

[19] Thus Josephus, Ant., XVIII, ii, 1, dates from the battle of Actium, which by some authors is regarded as synonymous with "the first year of Augustus," meaning that of his advent B. C. 40. On the mummy case of Pelemenon, brought to Paris by M. Caillaud, from a family tomb near Thebes, the death of the decedent is inscribed as having occurred in "the nineteenth year of our Lord Trajan." Letronne, on the Zodiac of Dendera, p. 9; a fact which goves to prove that the Augustan æra did not take root in Egypt as it did in Europe.

of the western provinces held on to the Julian or Augustan æras, or else to the annual consulates; but no province, east or west, north or south, reckoned by the æra of Jesus Christ. In this respect therefore, the Roman constitution remained unchanged, and when change did occur, it proceeded so slowly and by such imperceptible degrees, that the Julian æra remained in use in some parts of the empire until the discovery of America. We shall find the same thing with respect to many other institutes of Rome; there was no revolution: all the changes were gradual. The reader will find the Roman æra treated at greater length in the author's work on the "Worship of Augustus Cæsar."

The Year. Without, in this place, referring to the remote period when the worship of the Sun and the division of the year into eight months of forty-five days, with intercalaries, prevailed in Assyria and Babylonia, it may be briefly stated that immediately before the fall of Assyria both of these states employed a year of ten months, each of thirty-six days, with intercalaries, and that the year commenced on the vernal equinox, which then agreed with the first Nissan. After the fall of Assyria, the Babylonians altered the first day of the year to the winter solstice, which then fell, or was afterwards pretended to have fallen, on Buddha's day, our Wednesday. [20] At a later period, about B.C. 582, they redivided the year into twelve months, each of thirty days, with intercalaries, and dated this change back to their imaginary Nebu-Nazaru, or Nabon-Issa, thus making it agree, so far as the year is concerned, with the æra of the real Tiglath-pil-Esar II. They so inserted the two new months as to retain as nearly as possible the usual days for the great festivals. This was done by placing them after the last and before the first of the old months; a device which they learnt from the Eastern and transmitted to the Western world. [21] These changes left them with a twelve months' year commencing on February 25th, which they altered to February 26th in order to make it fall on the same day of the septuary week, (the Fourth, or Buddha's day, or Wednesday,) as the winter solstice. Hence the æra which originally commenced on December 25th, B. C. 748, became February 26th, B. C. 747, and as such it still appears in the Almagest of Ptolemy. This æra continued in use down to the overthrow of Babylon by Cyrus and, in some parts of the empire, to the epoch of Alexander the Great.

[20] The Babylonian year, beginning on the winter solstice, is mentioned by Diod. Sic., XXII, 220, and Higgins, Anacal., I, 214, 261.

[21] Mommsen claims, with judgment, that this was done by the Decemvirs.

The Egyptians had a similar year of ten months commencing on the vernal equinox. This was followed by a year (also) of ten months, but commencing on the winter solstice, and it is quite possible that the two calendars for a time were employed concurrently. The Ptolemaic year, as the result of an adjustment similar to that made by the Chaldeans, commenced on our February 26th. By a process which is described in the work above cited Augustus shifted this to August 26th, and after his death it was altered, by the Sacred College, to August 29th, where it stands yet.

Plutarch, in Numa, says that the year of Romulus had 360 days. From a remark of Livy [32] it would appear that the odd five days which the Romans were well aware was necessary to make up the actual year, were not intercalated each year, but, following the Greek custom, after an interval of several years. He says: "An intercalation was made in the calendar of this year (A.U. 582), intercalary calends being reckoned on the third day after the feast of Terminus." Indeed, the equable year of 360 days, with or without intercalation, seems to have been common to all the civilized nations of antiquity and points to a common Oriental source.

Following the Greeks or Etruscans, from whom they derived many of their customs, the early Romans divided the year into ten months, each of thirty-six days, with five intercalaries. [33] This Roman year began on the winter solstice, (11 cal. Maii,) on which day great rejoicings were observed and presents were exchanged. [34] According

[32] Livy, XLIII, 11.

[33] For year of ten months, see Varro, Ovid, Livy, Macrobius, (Sat., I, 12,) and Censorinus; (De die Natale, cap. 20;) also consult the Index to this work, word "Ten." The alleged year of 304 days ascribed to Romulus by Macrobius is probably a corruption inserted in the Venetian folio of his "Saturnalia," in order to conceal the ancient ninth day of festivity or rest.

[34] See Appendix M, year B.C. 753. In the Alban year of ten months the first month was May; the second, April; the third, March; the fourth, June; the remainder were named numerically down to and including December, which was the tenth and last month. The æra of Romulus was the eleventh calends of May, that is to say, eleven days before the last day of December, which, as each month then had thirty-six days, was the 25th December, the winter solstice. At a later period May and March exchanged places and two new thirty-day months were inserted between December and March. The eleventh calends of May thus came to be translated 21st April, a meaningless date, which conceals the antiquity of Brumalia, or Christmas, and its identity with the first day of the æra of Romulus. In the same way the Champs de Mai and the Campus Martius, which were the same thing, were differentiated. The barbarians kept the first of May as the New-Year day long after the Romans juggled it of its significance. At the assemblages on this day presents of horses were made to the chieftains. Du Cange, Fourth Dissert. Eginhard always commences the New-Year in March, at Easter.

to Livy, Numa, aboutA. U. 40, [25] made the Roman year to consist of twelve lunations of twenty-nine and a-half days (alternately twenty-nine and thirty) and one day over for luck, altogether 355 days, together with, every other year, a brief intercalary month, called Mercedinus or Mercedonius. [26] This solar-lunar year and the old solar year were expected to exactly coincide once in twenty-four years, [27] but as the length of Mercedonius was left to the discretion of the chief-pontiff, the system in time fell out of joint. The last of the twelve months of twenty-nine and a-half days which we are informed were substituted by Numa for the previous ten months of thirty-six days, were named January and February, after the gods Janus and Februus, and the year ended with the last day of February. [28] This made it agree, within four days, with the shifted æra of Nabon-Issus.

The lunar year attributed to "Numa" is anachronical. The ancient year of the commonwealth was solar and consisted of ten months, each of 36 days. In A. U. 304 the Decemvirs changed this year to one of twelve months, each of 30 days. At a later period this arrangement was altered to a solar-lunar year of 355 days, which was falsely attributed to Numa. It is this system which produced such confusion that in the time of Cicero the vernal equinox fell, according to the calendar, in May. (Cic. ad Att., x, 17-18.)

In A. U. 706 this calendar was reformed by Julius Cæsar, who established a solar year that began on the calends of January,[29] a day which seems to have been appointed for the beginning of the year at a previous date, namely, in the consulship of Q. Fulvius No-

[25] Mrs. Gatty, in the Archæological Journal for 1889, says that the Roman year was not in fact divided into twelve months until the time of Papirius Cursor, A. U. 461; but I can find no warrant for this statement.

[26] Mercedonius dixerunt a mercede solvenda. Festus. The rents of farms were paid in this month, from which it may be inferred that during the Commonwealth, (not during the empire,) the usual farm-lease was of two years. It is said that Julius Cæsar appointed certain days in July, September and November, for the payment of harvest-wages, etc., called mercedoniæ dies, or pay-days. However this may be, mercedonius appears to be much older than Cæsar.

[27] Livy, I, 19.

[28] Cic., Legg., II, 21: Ovid, Fasti, II, 49; Tibulus, III, i, 2.

[29] Pliny, XXVIII, 2, 5. A New-Year's gift was called strena. Suet., Cal., 42. Nonius Marcellus, a writer of the fifteenth century, says that Tatius, king of the Sabines, having received on the sixth day of the New-Year some branches, probably of mistletoe, Brady says vervain, cut in a wood consecrated to Strenia, the goddess of strength, gave her name to these gifts. Brady, Clavis Calend., I, 145. Haydn, voc., "New-Year's Day." This is apparently a medieval ecclesiastical legend, invented to account both for the calends of January, the sixth day after the winter solstice and for the thyrsus of Bacchus, Buddha, or Tat. See "The Worship of Augustus Cæsar," ch. VIII, year 769 B. C.

bilior and T. Annius Luscus, A. U. 661, when it substantially coincided with the winter solstice.

However, the reader must be on his guard in accepting as a certain guide any brief explanation of the changes which the Romans made in their calendar, because these were so numerous and intricate as to defy accurate condensation. In describing the calendars of Greece and Rome, the Rev. Edward Greswell found it necessary to fill no less than sixteen thick octavo volumes. The substance of these books cannot be compressed into a few lines.

The alterations made or attempted to be made by Augustus, Tiberius and Claudius are mentioned elsewhere. Of Nero, Tacitus says that he "resolved to continue the old style, dating the year from the calends of January, a day rendered sacred by the established (official) religion of the Romans."[30] The empire also observed an ecclesiastical year, beginning with the vernal equinox. This system, namely, an ecclesiastical year beginning with the vernal equinox in March, and a civil year beginning either upon or else a few days after the winter solstice, is in use at the present time.

In reforming the later calendar of the commonwealth, that one which had grown out of joint with the solstices, Julius Cæsar instituted a single Year of Confusion, consisting of 445 days,[31] and began a new and, as he believed, an astronomically and astrologically correct year with the "calends of January," A. U. 707; that is to say, a few days after the winter solstice of A. U. 706.[32] In the Julian system, the length of the tropical year, previously assumed in the calendar to be 365 even days, was assumed to be exactly 365 ¼ days, whereas, as since ascertained, not by deified emperors, but ordinary mortals, it is 365 days, 5 hours, 48 minutes and 46 seconds.[33]

Caius Cæsar became a priest of Jupiter, A. U. 671, and a pontiff or member of the Sacred College in 681. Upon the death of Q. C. Metellus Pius, A. U. 690, Cæsar became High-Priest. It may perhaps render further matters clearer to throw some of his dates into tabulary form.

[30] Tac., Annals, XIII, 10.

[31] Mommsen, IV, 568, says that Cæsar added but 67 days to his correctional year. The same author asserts the tropical year to be 365d 5h. 48m. 48s. long.

[32] Suetonius, Jul., 40; Pliny, XVIII, 25.

[33] Hipparchus calculated the tropical year at 365d. 5h. 52m. 12s. Mommsen, Rome, IV, 586. This differs by 3m. from the calculation which Greswell deduces from Hipparchus, viz., 365d. 5h. 55m. 12s. See the Chronology of the Julian Year in the "Worship of Augustus Cæsar," p. 246. The determination in the text is that of Prof. Simon Newcomb, of the United States Naval Observatory at Washington.

Biographical Chronology of Caius Julius Cæsar.

A.U.	A.J.	B.C.	
654	–	100	Birth of Caius, afterwards called Caius Julius Cæsar.
671	–	83	Appointed Flamen Dialis.
681	–	73	Elected a member of the Sacred College.
690	–	64	Elected Pontifex Maximus, March 1st, afterwards shifted to 6th.
694	–	60	Consul for five years, afterwards extended to ten years. Melmoth's *Letters of Cicero*, II, 226, says A. U. 694; Lempriere says 695.
706	–	48	Battle of Pharsalia, 9th August. Cæsar attains absolute power.
706	–	48	Conquest of Egypt, opening of the inter-oceanic canal and acquisition of the Oriental trade by the Romans.
706	–	48	Deified in the temple of Jupiter Ammon, on Brumalia (December 25th).
706	–	48	"Antioch fixed its æra in Caius Julius Cæsar and made this year the first;" Johannes Antiochenus MS. Geography, lib. IX, quoted in Pope Gregory's works, ed. 1665, p. 156.
706	–	48	Evagrius evidently alludes to the Julian æra in the following sentence: "The second year of the reign of Leo (A.D. 458) occurred in the 506th year of the free prerogative of the city" (of Antioch). "Ecc. Hist." II.12.
707	1	47	First numbered year of the Julian æra. Cæsar's reform of the calendar in force from 1st January this year. Smith's Dic. Bible.
708	2	46	Julius Cæsar deified by the senate of Rome March 25th. Some authors deduct 15 days and make this March 10th. Humphreys, 296. A monument relating to this year has been found at Ebora (York) in Hispania, inscribed "Divo Julio;" *i. e.*, the living god, Julius.
710	4	44	Cæsar assassinated March 15th, formerly dedicated to Anna Parenna, since called *parricidium*.

As down to the reign of Theodosius the reigning emperor was always the high-priest or chief-pontiff of the Roman empire he had the entire control of the calendar. What now follows will show some of the marks which these high-priests made upon it.

Alterations of the Calendar. The system of Julius, which assumed the tropical solar year to be exactly 365¼ days long, required the intercalation of one day in every four years. It is said that the Julian priests, not clearly understanding this rule, commenced to count "on" instead of "from," the leap year, and so inserted an intercalary day every third, instead of fourth year,[34] and that, in thirty-six years they intercalated twelve, instead of nine days. The reform of Augustus consisted of three principal features. I. He permitted the use of the Julian æra and added his own, which originally commenced in the year now known as B. C. 40, afterwards in the year now known as B.C. 15; II. He retained both the Julian New-Year day and the ecclesiastical New-Year day, the latter agreeing with the vernal equinox;[35] III. He sank three days of the Julian calendar, to correct the alleged blunder of the ecclesiastics. If these three days and the twelve days since sunken are taken out of the month of March the

[34] Macrobius.

[35] According to Carr, the reform of Augustus was ordered in A. U. 746, or B. C. 8, and went into effect A.U. 761, or A.D. 8. Antiquities, p. 367. But Carr had a very confused understanding of the calendar. For a more ample account consult the author's "Worship of Augustus Cæsar."

10th would now be the 25th of that month.[36] The pretended Ascension of Augustus on the day of his death, the 29th August, is commemorated in the Egyptian calendar noticed elsewhere in this work, also in the Papal calendar as the day of Saint Augustine.

In his *Annals*, XI, 11, Tactius observes of the chronology of Claudius, that it differed from the system of Augustus; and he refers us to his own history of Domitian for particulars. This portion of his history has not been permitted to survive; and we are therefore without any means of knowing precisely what alterations of the calendar took place under Claudius. Judging from Suetonius, in Claudius, from the allusion made by Tacitus to an alteration of the calendar by Nero, and from the calculations shown in our Appendix S, the innovations of Claudius consisted of changing the æra to that of Romulus. However this may be, Nero altered the New-Year day again to the calends of January.

The last alteration of the calendar known to have been made by any of the "pagan" emperors of Rome was effected by Diocletian. By dividing the imperial government into four departments, two to be ruled by Augusti and two by Cæsars; by removing the seat of government from Rome—his own capital being established at Nicomedia in Galatia,[37] and that of Maximin, the other Augustus, at Milan; by practically extinguishing what remained of the Roman senate; by disbanding the prætorian guards and substituting bands of Jovians and Herculians; by taking his oath of office on the Sun; by solemnizing his treaty with the Nubians in the name of the same deity; and by numerous other public acts, he plainly evinced an intention to essentially and permanently alter the Roman religion as well as its system of government. But a national religion is not so amenable to alteration as some enthusiasts pretend. Although Diocletian's attempt to revive the solar worship was preceded by that of Elagabalus, it completely failed. Religion, in common with all the other institutes of the Creator, has to obey the laws of evolution. Among other innovations Diocletian abolished the custom of dating the æra from Julius Cæsar or Augustus, and ordered it to commence with his

[36] Many Chronicles of the Dark and Medieval ages begin the year on "Hilaria," or the vernal equinox, which opened the ecclesiastical year. By beginning the year from the incarnation of Julius Cæsar, Hilaria was thrown into January, where it is now.

[37] Nicomedia was on the gulf of Isstacus, (Astacus,) and occupied the site of the ruined city of Issus. It is now called by the Turks, Issmeed, or Iss-nik-mid. Near it is the river Sangarius, the city of Nicea, the district of Marian-dynia and other places anciently sanctified by the worship of Nabon-Issus, afterwards Ies, and of Maia, Maria, or Marian, Mother of the Gods.

own reign, the first day of which was September 17th, A. D. 284.[38] This was afterwards shifted to September 29th, the day we now call Michaelmas. The æra of Diocletian was long in use throughout some portions of the Roman world, and it is still used by the Christians of Nubia and Abyssinia. The Church of Rome endeavoured to bury the Ascension day of Augustus under an imaginary persecution of Christian martyrs by Diocletian, to which it has given the date of August 29th, A.D. 284. This was the Augustan Ascension day, and had nothing to do with Diocletian's persecution of "martyrs," which was precipitated by the demolition of the church of Nicomedia, on Terminalia, 23rd February, A.D. 303, and authorized for the first time by an imperial edict against all non-conformists issued on the following day.[39] In like manner the Church buried the æra of Diocletian under the legend of Saint Michael.

The alleged reformation of the calendar, by which it was intended to begin a new æra from the day that Constantine saw the Cross in the sky and the prophetic words, "In hoc signo vinces," has been mentioned. The speedy failure and extinction of this æra, if, indeed, it was ever instituted at all, proves that the miraculous vision, whether seeming or pretended, which it was designed to commemorate, found no lodgment in the popular mind. Even the churchmen seem to have doubted Constantine's story; for they too have avoided the use of his æra.

In A.D. 455 and 457, according to the æra now in use, attempts are said to have been made by the Church to change the calendar; but neither of these appear to have been successful.[40] The next actual alteration of the calendar is alleged to have been made by Dionysius Exiguus under the Emperor Justinian. The æra adopted by this astrologer—as shown in Appendix S—was really that of Augustus, which, however, he is said to have called the æra of Jesus Christ. The Augustan æra was then or has since been altered to the extent of fifteen years. The New-Year day attributed to D. Exiguus was that of Julius Cæsar, namely, the calends of January. In all probability

[38] Nicolas, (Chronology of History, p. 8,) says that "in A. D. 285, and Anno Mundi Alexandrino 5787, ten years were substracted, and that the year was called 5777;" but as he derives his information from the monkish work "L'art de Verifier les Dates," the alleged period of the alteration is not to be depended upon. It is very much more likely to have been made by the popes of the seventh century, who seem to have been not altogether satisfied with the æra "invented" by the enterprising Dionysius Exiguus.

[39] Gibbon, I, 682. The venerable Dr. Adams, unable to account for an æra beginning on the 29th of August, ascribed it to the celebration of Augustus' victory over the Rhætians. Roman Antiq., p. 265.

[40] Brady, I, 294.

both the year and the day were used in Rome before and after this period. The New-Year day, beginning with the vernal equinox, was used in Gaul by the Merovingian princes, and continued to be employed generally throughout Christendom until a comparatively recent period.[41] It was used in Pisa and probably also in Florence so late as 1745, and in America until 1752. It is still used in England for the beginning of the ecclesiastical and fiscal years, and the year for renewing rentals and leaseholds. The New-Year day of the Roman commonwealth, Brumalia, was also in use until the period of the legislation next to be mentioned.

In 1582, when the Julian calendar was ten days out of joint with the solstices, Pope Gregory XIII. ordered that number of days to be sunk. This reform, under the cover of which some other changes were introduced, is called the "Gregorian." It was attempted to be enacted in England by a bill introduced in the Commons in 1585, but was soon after dropped. It was reintroduced and became the law in 1751-2, 24 Geo. II., c. 23, and extended to the British colonies in America and elsewhere. The difference between the Julian calendar and the solstices, which, in the time of Gregory, was ten days, had now become eleven days; and this was accordingly the measure of the difference provided for in the English law. The same act also provided, as Julius Cæsar had done before, that the year should begin on the 1st of January.[42] The Gregorian reform has never been adopted in the Greek provinces nor in Russia; the Julian measure of the year being still used in those countries. The 25th of March in England and America is therefore still the 13th March in Athens, Belgrade, and Moscovy.[43] The Carlovingian princes employed either the vernal equinox or the winter solstice, or both, for beginning of their years; so also did the English princes. In the annual chronicles

[41] Nicolas only commences the use of this New-Year day, (the vernal equinox,) in the fourteenth century.

[42] The recital of this act sets forth that the legal year begins on the 25th March, and that it differs from the legal year of Scotland now in common usage throughout the whole kingdom. This last refers to the year beginning on the 25th December. The act then provides for a new year to begin 1st January, 1752, a provision whose observance finally extinguished that other Day, which, for practically 2500 years, had marked the apotheosis of Nabon-Issus and for precisely 3816 years had celebrated that of Buddha. This feature of the Gregorian calendar is said to have been tried experimentally a short time previously by means of an arrêt of Charles IX. of France, in 1564.

[43] According to Lanciani, the leases of warehouses and safe deposits in Rome, tempo Hadrianus, as proved by inscriptions still extant, began annually on December 13th, (now the 25th,) the difference being the twelve days sunk since the pontificate of Gregory. "Pagan and Christian Rome," Boston, ed. 1893, p. 45.

of Matthew Paris, written during the thirteenth century, each year duly begins on the 25th December. As mentioned elsewhere, William of Normandy was crowned on the 25th December, not the 1st January.[44] Indeed, from Nero to the "reform" of the calendar by Gregory, the only New-Year days kept in England, secular or ecclesiastical, were ancient festivals. One of them was Hilaria, (Houli,) the other Brumalia (Brumess).[45]

The four principal festivals of the solar worship celebrated in the northern hemisphere were the spring or vernal equinox, the summer solstice, the autumnal equinox and the winter solstice. Their observance can be traced to the remotest period of history or tradition, and belongs to every nation and every wide-spread religion of which we have any knowledge. After the invention of the incarnation myth in Hindustan, the vernal equinox was kept sacred to Maia, and because on this day the sun passed over the equator, the Jews were asked to believe that on the same day their forefathers passed dry-shod over the Red Sea. Among the pre-Christian Greeks and Romans the day was celebrated by the festivals of Magna Mater, Hilaria, and the Megalesian games; among the pre-Christian Gauls and Galatians by the feast of Virgo Paritura;[46] among the pre-Christian Saxons by that of Iestera or Ostera, the goddess of regeneration.[47] This accounts for its other name of Easter. The festival is therefore both Vedaic, Brahminical, Buddhic and Gothic. Its exact date in vari-

[44] Stow says the coronation of William I. occurred on our first day of January and builds a new calendar on this blunder. Haydn, voc. "Year." The coronation took place on the winter solstice, or 25th of December. Hannay, Hist. Rep. of England.

[45] The tenth Brahminical incarnation is pretended to have occurred during the thirteenth century before the Christian æra. Lacroze believes that it is Brahma who is called by the Hindus of Malabar, Biroumas, and by the Cingalese, Piromis. This is a mistake. Brumass, or Brumess, the name of a Malay god and festival, alludes to Bruma, or Buddha, who was, and not to Brahma, who was not, a Mess or Messiah. Herodotus informs us that the priests of Thebes in Egypt called each of the colossal figures in their temples "a Piromis," which, he was told, meant "beautiful and good." He says that these same Egyptian priests informed the ambitious Hecatæus that it was impossible for a human being to descend from a god. But since it was part of their religious doctrine that each Piromis was a god, and that each of their human kings was a Piromis, what they told Hecatæus appears to have had little application to the rest of mankind, and certainly did not apply to Julius Cæsar. Of these false Mess-iahs the Thebans possessed the images of no less than three-hundred-and-forty-one. Herodotus, Euterpe, 143. Some of them may be the identical figures now in the great collections of Paris and London.

[46] Dupuis, III, 51, 4to ed.; Pelloutier, History des Celtes, V, 15.

[47] Frickius, pt. II, ch. X, p. 98. See also the Etruscan Nurtius and Child, in Gorius' Tuscan Antiquities. Ostera is the same as Ies-tera.

ous countries varied a few days, as calendars varied or became defective, or as fables and myths were invented to "explain" or to conceal its astral origin. The day which, as we are taught, was chosen by the council of Nicæ in A.D. 325 for the celebration of Easter, was the first Sabbath after the first full moon after the vernal equinox.[48] Brady says that authorities are divided as to when the vernal equinox was first kept as a Christian festival, some even maintaining that this did not happen until the seventh century. After what has been shown herein with regard to the antiquity of this festival it is not deemed necessary to pursue the subject further. Sir Isaac Newton, in his "Prophecies of Daniel," showed that not only the solar festivals, but all the other principal ones observed by the early church, were Roman festivals fitted with new names. Since the introduction of Oriental literature into the West we are able to add that the Roman festivals were merely Buddho-Brahminical ones, with new names; and that the Buddho-Brahminical festivals were merely astral ones with new names. The Roman children kept Hilaria with eggs and fishes made of pastry or other sweets, the former typifying the genesis of the year, the latter symbolizing the entrance of the sun into Pisces. At the present day French children keep their Easter with fishes, German children with eggs, and English children with both eggs and fishes. Mr. Higgins cites many games, words, and expressions, still used in play by little children, which afford a key to the buried truths of history. Empires have arisen and fallen since these customs began; but the children still observe them. Libraries have been burnt, monuments have been destroyed, cosmogonies have been forged, and powerful states have been swept away; yet the children, chaste instruments of a Divine and Inscrutable wisdom, remain the innocent guardians of toys and words of play, which, rightfully interpreted, possess the power to smash into atoms the entire structure of astrological imposture.

Midsummer Day is a festival of the solar worship, which commenced on the midnight preceding the summer solstice, and marked the beginning of the eight months' year. It was successively adopted by the Brahmins and Brahmo-Buddhists both in Hindustan, Assyria, Chaldea, Greece and Rome, whence it has descended to us and is still observed in Ireland and in the rural parts of France, Scotland and England, with bonfires and games which have descended from

[48] Jean Hardouin, the Jesuit Father, who compiled the proceedings of the church councils, warns us not to rely upon their truth or correctness. He regarded many of them as having been composed or greatly altered in modern times.

the remotest antiquity. In the Assyrian ritual the ceremonies of this solstice were sacred to Belus, or Baal, a circumstance which is marked by the retention and existing use of the name Baal-fires. The Rev. Alex. Hislop says that in Babylon the summer solstice was connected with the legend of Ioannes, the fish-god, and that this suggested the Roman legend of Santo Ioannes, or Saint John. After this, it is scarcely necessary to add that neither the day nor the ceremonies attached to it have anything whatever to do with St. John, whose connection with it is a comparative late invention.[49] According to Brady, Midsummer Day was first instituted as a Christian festival A. D. 488; but in fact it is not likely to have been observed by the Church until after the adoption of the vernal equinox festival.

The day of the autumnal equinox, one of the four great solar festivals, appears to have been first adopted for the beginning of the year in China. It was certainly adopted by Seleucus Epiphanes as the day of his pretended "incarnation," in the year B. C. 312-11. From this deified sovereign, who conquered and enslaved Judea, it descended to the Jews, by whom it is still observed. The pagan Romans observed it on account of its solar origin: the Christian Romans, on account of its Jewish origin: and the Jews because it was forced upon them. All of these nations invented new legends to explain its observance; the Jews that of the Tabernacles, and the Christians that of Saint Michael.[50]

Like the Sabat of the ancient Hebrews, the Nundine of the Romans was the only day of the week that had a name; the others were designated numerically; the Hebrew days with reference to Sabat, the Roman days with reference to Nundinum or Feriarum.[51] The religious ceremonies peculiar to Nundinum consisted of sacrificing a ram

[49] The story of Salome, the bloody head and the bodkin, will be detected in the more ancient one of Fulvia and the head of Cicero.

[50] Brady attributes the institution of Michaelmas to Pope Boniface III., A.D.606. The four days difference between the 25th September and Michaelmas; the goose that is eaten on this festival; the difference between Michaelmas and Martinmass, which last is an older quarter day; besides many other details of the calendar, prove its composite structure and serve to disclose its history. For example, the fifteen days' difference between the beginning of the Oxford and Cambridge autumnal terms, October 10th and September 25th, are the sum of the alterations made by Augustus, Pope Gregory, and the act of 1751-2. Some further details concerning the place and significance of this equinox in the calendar will be found in our Appendix P.

[51] Tooke's Pantheon, 289. The Roman division of the month into three uneven parts, instead of four even ones, is a lunar patch upon a more ancient solar calendar, beneath which a bit of the original cloth, nones, is disclosed. This uneven division is of Indian origin.

or lamb, (aries, agnus,) to Jupiter, in the Regia or palace of the high-priest, and the chaunting of prayers or hymns of praise. After this, the day was observed as a festival.[82] This is practically the manner in which the day of rest is still kept in all Christian countries, except those, which, like England and her colonies, (especially New England,) have been under Puritan influence, the Puritans (of the seventeenth century) having borrowed their views of this day directly from the Hebrew scriptures. From the Buddhic term mess, are derived the Latin term missa, the English mass, and the German messe. The use of this term for a fair, or wake, arose from the practice of holding fairs on the middle day of the week. The Roman ninth day of festivities, or rest, was observed down to the period when Buddhism or Bacchism made its impress upon the institutes of the commonwealth.[83] That the seven-day week emanated from Hindustan is proved by the fact that the Hindu days of the septuary week are named, as ours are, from the sun, moon, and five nearest planets, and in the same order, and second, by the fact that this custom is older in Hindustan then elsewhere. The same facts pertain and the same inference is deducible as between the Gothic, English and Latin names and present order for the days of the week, the Latin being the most recent.

Originally the Gothic year consisted of eight months, each of forty-five days, afterwards probably of ten months, each of thirty-six days; while at a later period it was divided into twelve months each of thirty days. These months were solar and divided into six weeks, each of five days,[84] a regulation apparently derived from the

[82] Livy, III, 35; Dionys., II, 28; VII, 58; Varro, de re Rust. præf., II; Macrobius. Sat., I, 16. The Portuguese still name the days of the week as the Romans did, for example, primafeira, secundafeira, terciafeira, etc. Müller, Etrusker, II, 324, seq., suggests an eight-day week; a theory that hides the Roman nundinum. Boys were baptized on the ninth day, girls on the eighth; and this appears to be all the foundation there is for Müller's eight-day week. Mommsen, I, 232, suggests four different kinds of weeks, varying from six to nine days; an hypothesis which may serve to reconcile the mutilated texts of Rome, but is opposed to common sense.

[83] Modern ecclesiastical writers ascribe the Roman adoption of the seven-day week, and the observance of Sunday for the Sabbath, to Constantine; the monk, John of Nikios, who wrote in the seventh century, ascribed these changes to the æra of Socrates. The Latin names and present order of the seven days do not appear to be older, if indeed they are as old as the reign of Justinian. Brady, who wrote before the work of John of Nikios was discovered, says: "The Romans did not reckon their days by hebdomades or sevenths until after the time of Theodiosus." Clavis, Calendaria, I, 96. If so, the passage in Dion Cassius is spurious.

[84] Du Chaillu, I, 38. See Appendix P to the present work.

Tibetans, or the Mongol Chinese, some of whom continue it to this day. A five-day week was also employed by the Aztecs,[56] and is still employed by the pagan Javanese.[56] With the Aztecs the second was Woden's day, while the fifth was Fair-day, or Sunday. The five days of the Goths were named Tyrs-dag, Wodens-dag, Thors-dag, Fria-dag, and Langar or Thyalt-dag. The first four were named after the planets known to us as Mars, Mercury, Jupiter and Venus. The fifth means "bath" or "wash" day.[57] After the pagan Roman week had been shortened by two days, the pagan Gothic five-day week was lengthened by the same number of days, and to these supplementary days were given the Gothic names of the sun and moon. Then christening bath-day by the nobler name of Saturn, the naming of the septuary week in which we now rejoice, was complete.[58]

Were it necessary, these proofs of the ancient pre-Christian origin of various existing institutes and observances might be greatly multiplied. It could be shown that monogamy, baptism, naming, churchings, the white linen garments of priests, the eagles, doves, lambs, fishes, and nearly all, if not indeed all of the ritual, symbols, festivals and observances of papal Rome were borrowed through Pagan Rome from the Orient. But as our object in touching the subject is merely to remove certain untruths from the pages of history, and not to rudely shake anybody's faith in the origin of these venerable forms, we are content for the present to disturb them no further. [59]

It is sufficiently evident from what has been already said that the introduction of "Christianity" made at first but little outward change in the customs and constitution of the Roman empire. The empire

[56] Prescott, 35. That one of these days was called Wodensday is averred by Humboldt. [56] Sir Stamford Raffles.

[57] Bryant, Ancient Mythology, VI, 304, says the Goths at one time adopted the Roman week of nine days; but we can find no confirmation of this view. Dr. Samuel Pegge, in the "Gentleman's Magazine," 1812, vol. I, p. 625, published the fac simile of a Gothic runic calendar cut upon a a yardstick, similar to the calendar-sticks made by the Romans and to those still found in Sweden and Norway. It was used in the isle of Iesel, (Ruhn or Rugen,) and Mohn. All the wooden calendars we have seen, as well as this one, are medieval and divide the week into seven days. The pagan calendar-sticks with five-day weeks, if any existed, have been long since destroyed.

[58] To put it briefly, every nine days in Rome, every seven in Buddhic India and in Judea, and every five in Gotland, the church received an offering, chaunted a benediction, and patronized a fair, or festival. Upon this simple custom have been erected mountains of mythology.

[59] Gibbon, Dupuis, Herbert, Higgins, Brady and Hislop amply prove the Oriental origin of relic-worship, incense, images, pictures, candles, and other ecclesiastical "properties" and "personæ."

was still the sacred empire, the emperor was still the sacred and deified emperor, the government was an hierarchy, and the people of Rome were divided into nobles, priests, citizens, foreigners and slaves. Religion, reduced in many instances to its most degraded form, was practiced by several hundred different sects, chief among whom were, First, the worshippers of the actual Sun and Planets;[60] Second, the worshippers of the Hindu and Greek incarnations; Third, the worshippers of the Mesopotamian gods; Fourth, the worshippers of the Homeric gods; Fifth, the worshippers of the Egyptian gods; Sixth, the worshippers of the Gaulish and Galatian gods; Seventh, the worshippers of the living emperors, as gods; Eighth, the Jews; Ninth, the Philosophers; and Tenth, the rising and all-embracing Roman Catholic church, whose religion, when purified and reformed, was destined to supercede all the others.

But although few changes appeared on the surface, the most important change was going on beneath. The churches, not because they had become christianized, but because they were united by an hierarchy, had feudalized nearly all the powers of the state and absorbed the wealth of its citizens. The gorgeous structure of social caste which bore the stamp of Justinian, marked, not the beginning, but almost the maturity of that feudalism, which, planted like a canker in the Sacred constitution erected by Julius, had already eaten out the whole substance of the empire and left it to his successors little more than an empty shell. The process of feudalization renders it difficult to describe by any sweeping phrase the character of the motley population which the hammer of Christianity, with a swing of ages, was destined to slowly beat into some sort of homogeneity. It differed in Rome, which Vitellius had filled with Gothic and Sclavic soldiers, from its composition in Italy, where it was still composed of elements differing both in race, religion and language. It differed in Italy from the provinces, and in each of these, from the other. Ever since the reign of Julius Cæsar, the inhabitants of the Roman empire had been obliged to accommodate themselves to a system of involved castes and feudal subordination; ever since the levity of Nero had sounded the death-knell to emperor-worship, the people had fallen into

[60] At Cremona, during the war for the succession between Vespasian and Vitellius, A.D. 69, the Third Legion, on the field of battle, "paid their adoration to the rising Sun." Tacitus, Hist., III, 24. The worship of the Sun established by Elagabalus, Diocletian and Julian, and the prevalence of Mithraism and Dionysianism between the period of Augustus and the fourth century of our æra, are alluded to more at length in the author's "Worship of Augustus Cæsar."

religious anarchy; and ever since the reign of Alexander Severus the empire had begun to lapse into proconsulships which resembled great fiefs and from which were destined to arise, in the distant future, the modern kingdoms of Europe.

If it be asked what Christianity did before the time of Charlemagne toward checking the growth of feudalism, the answer is, Nothing; if it be asked what it did toward destroying irreligion and the idolatrous worship of images and relics, the answer is, Nothing; if it be asked what essential marks it left upon the pagan constitution of Rome, the answer is still Nothing. But if it be asked in what respects it has influenced European civilization, the answer is, in Everything. During the twelve centuries of its existence as an hierarchy, it put out the light of all other hierarchies, and then, with the sublime self-abnegation taught in the story of its Founder, it destroyed it own hierarchical character. Christianity was once a system of government; it is now a religion. Its pretended history, its human husk, has rotted away; its diviner essence remains.

CHAPTER IX.

RISE OF THE MEDIEVAL EMPIRE.

Revolts of the Goths and Franks—Their aim was the overthrow, not of the temporal authority, but rather the ecclesiastical tyranny of the Basileus—When the revolts succeeded, the Gothic and Frankish provinces again submitted to the Roman hierarchy, but refused to accord it either military service or ecclesiastical appointments—Efforts of the hierarchy to enforce these prerogatives—Cost of the success which attended these efforts—The Western church becomes Gothicised, while the Eastern church becomes Hellenicised—Hence the Schism of the sixth and seventh centuries—The Arabian revolt—Its peculiarity—Its success—Loss of the Asian and African provinces—Loss of all the Eastern ecclesiastical lands and slaves and revenues—These losses, combined with religious schism, leads to the secession of the Roman See from the Greek Empire—Attitude of the Basileus and Pope before the secession—Image of Phocas worshipped at Rome—Iconolatry the immediate cause of the rupture—Energetic proceedings of Leo—Resistance of the See of Rome—Pepin is invoked to its aid—Terms of the Carlovingian-papal contract—Subjugation of the Lombards—Origin of the temporal power of the Latin popes—Death of Pepin—Accession of Charlemagne—Revolt of Desiderius—Lombardy again subjugated—Charlemagne crowned king at Rome—His conquests in Western Europe—Homage of the Western princes—Homage of the Pope—Preparations for the great event—Charlemagne crowned emperor at Rome.

BY the Medieval, is meant the empire erected by the Latin pontificate and Pepin the Short, moulded into a temporal empire by Pepin and Charlemagne, but, after the death of the latter, converted into an hierarchical state by the See of Rome. This has been variously called the Frankish empire, the Roman empire, the Holy Roman empire, the Sacred empire, the Western empire, the German empire, etc. Frederic II., writing to Earl Cornwall, calls it "our Sacred Empire." None of these titles are sufficiently descriptive or comprehensive; most of them are misleading. Roman, Sacred and Holy Roman, [1] were properly titles of the empire whose capital was Constantinople; Western is peculiarly applicable to the Lower empire; whilst Frankish or German, for the name of an empire whose only charter was the Sacred constitution, and whose only real capital was Rome, is a misnomer, which, though it runs through all modern his-

[1] Voltaire said it was neither Holy, nor Roman, nor an Empire; but here the philosopher was forgotten in the wit.

tory, could only have emanated from partisans and Ghibellines. In entering upon a subject of so much contention as the practical status of this anomalous and shifting empire, it is important to avoid the use of any term which may prejudice the question; hence the choice of Medieval.

In point of time the Medieval empire, roughly speaking, embraced the reigns of Pepin and Frederick II.; more definitively, its duration extended from the assumption of sovereign power by Pepin, to the Fall of Constantinople in 1204; when substantially all that remained of the Eastern empire and the prerogatives of its sacred emperors became the prize, not of the pope who planned its downfall, nor of the Latin emperor whom he nominated, but of the feudal princes who actually achieved the conquest, and who down to that time had been subject to the divided and contentious authority of these great powers. In other words, the Medieval, fell with the Sacred, empire.

As pagan Rome toward its end, was governed for a brief interval by the exceptional institutes of Constantine, so the Medieval empire, shortly after its separate establishment in the West, was governed for a brief interval by the exceptional constitution of Charlemagne. These temporary phases of the imperial fundamental law have been purposely omitted from view.[1] Their consideration would only detain the reader and retard a narrative, which, covering as it does some twenty centuries of time, demands as much brevity as a due development of the argument will permit. In the present work the Medieval empire is regarded as consisting of Western christendom, or all of Europe west of the Adriatic and Bothnian gulfs, omitting the pagan countries of the Baltic, and omitting Spain after it was conquered by the Arabians.

The extent of the Medieval empire depends upon the view which is taken of the political relations between the Western provinces and the Sacred empire during the dark and medieval ages. It has pleased the vanity or patriotism of various modern writers to regard the countries to which they severally belonged—and by consequence, the other provinces of the Roman empire—as independent states, from the period of the Gothic revolts in the fourth and fifth centuries. This view, if true at all, is true only in a very limited sense, only in the sense that a feudalizing movement was always in progress and that the provinces were always being isolated more and more from the authority of the empire. The Gothic, properly Romano-Gothic,

[1] Brief allusions to Constantine's institutes will be found in my "Ancient Britain," and elsewhere in the present work.

uprisings, produced little more change than to accelerate this movement. When those risings took place, the ancient custom of dispatching proconsuls, vicars or legates from Rome to govern the provinces, had almost died away. The viceroys, by whatever name they were called, were many of them provincials and of barbarian or mixed origin. When the revolts ceased and purely Gothic or Frankish chieftains ruled in Britain, Gaul, Spain, Saxony, Germany and Italy, they ruled as viceroys of Rome, they coined money in its name, and they protected with Roman laws all who choosed to live under them. The revolts had rid those countries of direct military service to the empire and of the imperial prerogative of investiture. Beyond these matters, which were absolutely important, and beyond certain fiscal reforms which were relatively unimportant, it would be difficult to point out any substantial change in the long-time relations of those provinces to the Roman empire. Here and there breaks occur in the continuity of these relations; some Norsemen, fiercer than the rest, bade defiance to Rome, and perhaps for a short interval reigned as an absolute, though a petty, monarch. But the Sacred College soon got hold of such free-booters and either drove them back into feudal relations with the empire or else consigned them to convenient internment in a penitential monastery. These subjects, however, have been sufficiently discussed in other parts of this work. [1]

The Medieval empire owes its origin as much to the Arabian revolt of the seventh century as to those previous risings which had taken place under the Goths. It will be convenient to refer to these events in their proper chronological order. The earliest risings of the Goths and other northern barbarians had been prompted by the Roman conscription, which tore the youth of the provinces from their families and drafted them to distant lands, there either to die by the sword or become strangers to their homes and countries. The undue multiplication of religious temples, priests, church-lands, benefices, livings and appointments, or investitures, was the next form of oppression that the barbarian world resented. The love of plunder no doubt largely contributed to swell the ranks of the malcontents and impel them in their rebellious career; but this was not the primary motive, or it would scarcely have enlisted the sympathy of those eminent and respectable provincials, who, though small in numbers, so powerfully contributed to the success of these rebellions.

[1] For an example of the ingenious devices employed by the See of Rome in manufacturing a barbarian origin for the institutes of Medieval Europe, see the prætaxation theory of Onuphrius in Chapter XI, of the present work.

From the moment when the Gothic revolts succeeded in their object; from the moment when the Sacred emperor was obliged to yield the prerogative of appointing local bishops, priests and other ministers of (the Roman pagan) religion; from the moment that the emperor renounced the right of conscription and perhaps also ceased the further granting of benefices to Italian ecclesiastics; from that moment the Sacred College, whether under pagan or Christian control, used the most active endeavours to recover by the arts of peace the authority which the empire had lost by the arbitrament of war. To these patriotic endeavours we may attribute the earliest missions sent by the Roman See to the northern barbarians. In the absence of the feudalizing tendency, which, at this period, pervaded the entire political system of the empire, the See of Rome would probably have become a coördinate branch of the Sacred College at Constantinople. As it was, that branch formed a distinct sacerdotal caste, whose functions were confined to the Western provinces and who were connected with the Eastern, only through their superior lords, the bishops of Constantinople. When, about 376, the myth or doctrine of the Nativity, proposed by the Roman See, was communicated to the Sacred College at Constantinople by one of its bishops, Gregory Nazianzen, it was objected to as a strange and unwelcome innovation, which might lead the faithful back into idolatry.[4]

Separated, as this instance proves it was, from the centre of ecclesiastical influence, the See of Rome had to make a career of its own, a fact of which this very dogma of the Nativity affords an illustration. Although with reference to Jesus, it was first adopted in Alexandria, it proved to be so unsuited to the eastern provinces at that period, that it found no resting place until it crossed to Rome. The Armenian Christians, who were quite familiar with the Brahminical and Chaldean nativities or incarnations, refused the Christian one, on the strange ground that Christ had no birthday, because he was never actually born in the flesh and was a deity of the imagination, not of earth;[5] the Byzantine Christians saw in the proposed birthday only a renewal of the (so-called) idolatrous rites which had distinguished the commemoration of Bruma; while the Judeans turned their stubborn backs upon it altogether. What the prejudiced East rejected, the more ingenuous West received. But it did not receive, without at the same time imparting. In that daily contact with the bar-

[4] Smith's Dic. Bible, word "Christmas." The date is not entirely convincing.

[5] Theodoret. Other authorities, including Porphyry Cœcilius in Minutius Felix, are cited in Michaelis, and Smith and Taylor's *Diegesis*, 253.

barians, which was necessary to lend vitality to its work of evangelization, the See of Rome found it impossible to escape the influence of those very rites which it strove to eradicate from the practices of its western catechumen. The superior attainments of the Romans lent them great advantages in missionary work. They monopolized the arts of reading and writing, then but little known to the Goths, and without a more general knowledge of which, they were becoming each day more and more conscious that it was impossible to maintain their more recent attitude of quasi-independence.[6] Moreover these arts were the keys to other arts, an intimate acquaintance with which was essential to conserve those valuable fruits of Roman prowess and industry to which the provincial princes had fallen heirs.

But for all this, the barbarians did not receive Christianity as a gift from on high. To them it was a phase of the imperial power, and they never accepted it peacefully, nor without a valuable consideration. They had to be lured into it, coaxed or cajoled into it, tempted into it, married into it, bribed into it, or else forced into it. In all these efforts the Church had to yield something of principle in return. The Christianity, as well as the imperialism, of this period, wore many coats, and underwent many mutations. Ignorance and idolatry are weeds which need a variety of tools to ensure their extermination. The new name of the church was Catholic, or universal, and its motto was semper ubique et pro omnibus. In a previous chapter allusion was made to certain Gothic customs which are still preserved in the ceremonials or festivals of the Church. St. Augustine, the pioneer missionary to semi-Gothic Britain, was expressly commanded by Pope Gregory to make concessions to the pagan islanders. Accommodate your ceremonies to theirs, wrote the zealous evangelist, and permit them to eat as much flesh to the glory of God, as formerly they did to the devil.[7] These concessions were carried so far that the Ten Commandments were reduced to six or or seven, by omitting the interdictions against the making and worshipping of images,[8] and by winking at piracy, polygamy and other well known tendencies of the Northmen. It was in this manner that, reciprocally, the Goths were Christianized, and the western church Gothicised.

In dealing with the eastern provinces the See of Constantinople found itself influenced in a similar manner, though in a different

[6] Gibbon, Chapter XXVII.
[7] Bede, lib. I, cap. 30.
[8] Brady, Clav. Cal. and Henry, History of Britain.

direction. If it succeeded in planting a heavy crop of Christianity, it also reaped many local customs, some of which still survive in its festivals and ceremonies. The pre-Christian customs and beliefs, which the Christian church was obliged to adopt in Gaul or Britain, and the other pre-Christian customs and beliefs which it acquired from Asia and Africa, were not alike; hence even the orthodox creeds of the two principal ecclesiastical divisions of the empire did not and could not agree; and schism between them was inevitable.[9] This difference originated not only in the pagan customs of the people, it arose from the opposite views which they entertained concerning the origin of Christianity. The Greeks, aware that the new religion had succeeded to emperor-worship, refused to accept with it the mythology and prophecies of Judea, which the more distant Romans had been persuaded were essential to its perpetuity. The records of the government were in Constantinople, and any person who had access to them could have seen, for example, who were the real popes of Rome from Julius Cæsar to Gratian. In Rome there was nothing; nothing but mythology, fable and miracle. The ancient city itself was twenty feet under ground, where it had long since been buried by Alaric, the duke of Illyria.

Beside difference of faith and ceremonial, and apart from the struggle for ecclesiastical offices and livings, there were other circumstances which impelled the See of Rome to secede from the rule of the Basileus. In the fifth and sixth centuries the religious sanctuaries and monasteries were filled with men anxious to avoid fighting on behalf of the ephemeral tyrants, who during this period filled the thrones of the slowly dissolving empire and its constituent feudal provinces. The refugees threw all their worldly possessions at the feet of the Church, asking only in return such protection and exemption from military service as the cloister and a religious life

[9] It is perhaps hardly necessary to remind the reader that schism means literally a split. As the nature of an hierarchy is such that it never can be whole and is split, ab initio, it has been argued that it cannot be split afterwards; but this is a refinement hardly worth considering. Whatever its initial tendency to fly apart, the empire down to a certain period was ruled by a single authority. We are now venturing to describe what occurred afterwards. It is almost impossible to convey a just impression of the bitterness and ferocity of ecclesiastical schismatics. For teaching that "our Lord was produced from two natures before their union, but only one nature after their union, and that our Lord's body was not of the same substance with ourselves," Pope Leo I., whose æra has been assigned to about the year 456, deposed Dioscorus, bishop of Alexandria, and appointed Proterius. This produced such discontent among the pious, that they elected as their spiritual guide Timotheus, a holy monk and presbyter; then they stabbed Proterius to death and ate him, raw! Evagrius, I, 9; II, 8.

afforded.[10] The ability of the Church to afford this protection varied according to locality. The western feudal princes—many of whom were already "Christians" and few or none of whom were unwilling to tolerate an ecclesiastical organization which they perceived was capable of exercising a more powerful restraint upon the barbarian inhabitants of their provinces than the worship of Cæsar or of Woden—were nevertheless tenacious of their military authority and their prerogative of investiture. At the Council of Orleans, which was convened by Clovis in 511, the last year of his reign, the bishops were forbidden by the king to ordain as priests any others than slaves, because priests were exempt from military service and the king needed that of all freemen.[11]

Through the diplomacy of St. Augustine and the influence of the king's Christian wife, King Ethelhert of Kent is said to have been converted to Christianity about the year 600. He consecrated churches in Canterbury, Rochester, and London, placing clerks and priests in one place and monks in another; granting to such churches the lands and benefices of their (pagan) predecessors for their support. "In like manner also other kings made grants to other cathedral, prebendal and conventual churches, upon conditions which can be seen on inspection of their documents and the schedules of donations. In no case did they make such grants without reserving to themselves for the public advantage three things (as the consideration for these gifts,) namely, military aid and the service of keeping the bridges and the citadel in proper repair."[12] Such was the Court, —not the ecclesiastical—view of these grants. As to the pagan ecclesiastical property, it did not actually pass into the king's hands at all. About 680, Egfrid, king of Northumbria, having divided the bishopric of York and its benefices, manors, farms, etc., between two sees, Wilfrid, the bishop, whose wealth and magnificence exceeded that of the king himself, appealed to the Pope (Agatho) and carried his appeal in person to Rome. His case having been favourably considered by the Sacred College, Wilfrid hastened back to York, and triumphantly presented the decree of the College to the king. The latter, indignant at this attempt to intefere with what he deemed a prerog-

[10] Evagrius. [11] Guizot, II. 32.

[12] Considerations submitted to the King, Henry III., at a royal council called by him in London, in 1244, to protest against the heavy demands made by the Roman See, concerning the revenues of the English Churches, for which consult the Chronicle of Matthew Paris, sub anno. But Ethelred I., King of Kent, made a large donation of the lands of England freed from the Three Necessities. See elsewhere in the present work.

ative of his sovereignty, committed Wilfrid to prison. He was, however, subsequently restored to liberty.[13]

In spite of the efforts of the Western princes to maintain their prerogatives of military service and ecclesiastical investitures, the Church, either by inflaming their mutual animosities and keeping them divided, or by interning the pertinacious, in convenient monasteries, rendered these prerogatives null. Everywhere men crowded into the Church, and it was a bold hand that would venture to force them from its sanctuaries. Everywhere it persisted in its claims to investitures, and little by little it prevailed. Wilfrid, banished from Northumbria, has only to enter Sussex, whose pious king bestows upon him the See of Chichester and upon the Church a great portion of the peninsular of Selsea, which lies to the eastward of Portsmouth harbour, together with "all the cattle and slaves upon it." The equally pious king of Wessex contributes a third part of the Isle of Wight. In 685 Wilfrid returns to Northumbria, whose new king, Alfrid, or Ealdfirth, confers upon him the bishopric of Hexham, the See of York and the monastery of Ripon. Clamouring for the twelve abbeys he had previously enjoyed, Wilfrid was again expelled. This time he goes to Mercia, whose pious king bestows upon him the See of Leicester. The pope reverses the sentence of the wicked Alfrid, and upon his supercession by the pious Ofred, a child of eight years, Wilfrid returns to Northumbria, and is invested with the bishopric of Hexham and the abbey of Ripon.[14]

This sort of ecclesiastical management, so efficacious in the West, was of little avail in the East. There the Church had not to deal with many little princes, whom it could play off one against the other, but with a single monarch, who, notwithstanding the partial alienation of a considerable portion of his empire, was still powerful enough to maintain his hierarchical prerogatives over the remainder. Almost at the same moment of time that the provincial king Ethelbert reserved military service in his so-called grants of benefices to the Church, the emperor Maurice issued an edict forbidding all civil officers from becoming clerks, or entering a monastery. This ordinance he sent to the pope of Rome with instructions that he should communicate it to the Western parishes of the Sacred empire. Clovis had interdicted not merely civil officers, he had forbidden any freeman from entering the Church. But Clovis was a provincial king and the pontificate no doubt expected to find means, such as had been found in other cases, to defeat his decree. With the emperor Maurice, the case was entirely different. It was a command from the suzerain

[13] Bede, IV, 13. [14] Bede, IV, 16.

of the pontificate itself, the Basileus, the Sacred emperor, the successor of Julius Cæsar and Augustus, a command which, once communicated to the "Western parishes," would undo the work and perhaps endanger those laborious accumulations, which to the covetous meant luxurious livings, and to the pious, the means of propagating the gospel. The sullen reply of Gregory to this command, while it marks the reverence and obedience which was still paid to the Sacred emperor, at the same time evinces the constraint of the pope, and constitutes one of the earliest steps which the Roman See made toward independence. Said the Roman pontiff to the Basileus, "Submitting to thy order, I have sent this law to the various countries of the earth, but"—and thereupon follows a strong protest against it.

While the Church was thus divided by its duty and its inclination, a horrible event relieved all its apprehensions. In 602 a monk ran through the streets of Constantinople, with a drawn sword, denouncing the emperor as a Marcionite heretic and calling down upon him the vengeance of God; a violent sedition was kindled, in which many of the troops were induced to join; the emperor retired for safety to a religious sanctuary; a vile, ignorant and deformed centurion of the guards, named Phocas, was now put forward by the priests and clothed by the rabble with the imperial purple; whereupon he gave orders to invade the imperial sanctuary; the five sons of Maurice were butchered before the father's eyes; and his own death, in the midst of prayer, closed the terrible scene. When information of these circumstances was communicated to Rome, Gregory hailed them with joy, and after exposing the images of Phocas and his wife, Leontia, to the adoration of the clergy and municipality of Rome, he deposited them with religious ceremonies in the palace of the Cæsars. [18]

Although Phocas proved more amenable to ecclesiastical discipline than his predecessor and victim, such was not the case with the em-

[18] Compare the following letters of Pope Gregory, the one to Maurice, the other to Phocas, after he had murdered Maurice: To the Emperor Maurice, Gregory delares that this "tongue could not express the good he had received of the Almighty and his lord the emperor, that he thought himself bound in gratitude to pray incessantly for the life of his most pious and his most Christian lord, and that in return for the goodness of his most religious lord to him he could do no less than love the very ground on which he trod." To Phocas, a murderer, he wrote: "Let the heavens rejoice! let the earth leap for joy! let the whole people return thanks for so happy a change." To Phocas' wife (a strumpet,) he wrote: "What tongue can utter, what mind can conceive the thanks we owe to God, who has placed you on the throne to ease us of the yoke with which we have been hitherto so cruelly galled? Let the angels give glory to God in heaven! Let men return thanks to God upon earth! for the republic is relieved and our sorrows are banished." Bower's Lives of the Popes, vol. II, p. 536.

peror Constans II., who reigned half a century later. For a long time violent contentions had prevailed in the Church concerning the number of wills and operations in Christ, one party maintaining the doctrine of one will and one operation, another that of two wills and two operations, in which at this distance of time and in these days of a broader and more elevated Christianity, one perceives a distinction without much practical difference. Martin, who had been elevated to the See of Rome in 649, maintained the former doctrine; while the emperor (who was also the pontifex-maximus and therefore his apostolic superior) held the opposite. Martin, persisting in his schism, the emperor sent an armed force to Rome, which, seizing the person of the bishop, loaded him with chains and carried him to Constantinople, where he arrived in the autumn of 654. There he was tried before the Roman senate on a charge of heresy and crimen majestatis. After suffering much indignity, he was condemned by the Inquisition and sentenced to death, but afterwards reprieved and banished to the Crimea, where he died in 655.

This treatment might have been borne by the Roman See from the Cæsars when the latter were in the plentitude of their power; it might even have been borne from their degenerate successors to the throne, so long as they retained the disposal of those numerous ecclesiastical livings into which the eastern empire was divided; but from an emperor whose father's reign was marked by the loss of nearly every province of Asia and Africa, it was intolerable. Since the Arabian revolt, the Roman See, what with the firm hold it had acquired upon the affairs of the western princes and its great wealth in lands, cattle, slaves and revenues, had really become the guardian of the principal portion of the empire. Why, then, bow the knee any longer to a race of tyrants whose dominions, though they styled themselves Emperors of the World, had actually dwindled to the confines of Greece? The Basileus had even lost the power to defend the consecrated lands from confiscation by the Moslem. The empire had surrendered everything to the barbarians, even the places rendered sacred by scriptural narratives, the holy places of Galatia, the birth-place of the Saviour, the plains of Nazareth, the Sepulchre at Jerusalem. Was it not time to sever all relations between the only living propaganda of the faith and its moribund suzerain? An attempt to wrest from the Church one of its pagan customs decided the question.

The surprising success of the Moslem arms has hitherto been accounted for, by the theory of savage force. The conqueror of the East has been depicted with the Koran in one hand and a drawn sword

in the other, a fable that has descended to our own days and is still to be found among the embellishments of juvenile histories and geog raphies. But as Dozy, Lavoix and other eminent writers on Arabian history have justly remarked, this view does not account for the vast numbers of voluntary conversions that took place, nor for the joy with which whole populations welcomed the new dogma. Nor does it explain how a force of 120,000 fighting men, continually weakened by death and wounds and employing weapons inferior to those of their enemies, could have successfully overrun an extensive and populous empire defended by ships, forts, citadels and the best disciplined and strongest-armed troops in the world. There must have been a moral force behind. The Koran-and-sword was the natural explanation of defeated Roman commanders and fugitive troops; but this, though it might amuse the vulgar, could hardly have satisfied the imperial court.

It was during the two sieges of Constantinople, the first under the caliph Moawiya, the second under Walid, [16] that the imperial court enjoyed the earliest opportunity of becoming acquainted with the methods by which Moslem rule had been so rapidly diffused and willingly accepted in the whilom Roman provinces of Asia and Africa. It now appeared that prominent among these methods was the proclamation of the Unity of God, and the interdiction of image worship. [17] Imbued, through this disclosure, with the conviction of its efficacy as a moral instrument, by which to recover the lost provinces of the empire, the emperor Leo, in the year 726, promulgated an edict which required that all images used in places of devotion throughout the empire, east and west, should be taken from the sanctuaries and altars and removed to such a height that while they might remain visible to the worshippers, they could not be employed, by means of touching or kissing, as aids to a gross form of superstition. This was shortly afterwards followed by another edict, which proscribed the use of pictures in churches. A third edict, intended to remove the

[16] In these sieges the art of the chemist was first employed to assist that of the armourer, tactician, and military engineer. On both occasions the assailants were driven off by the use of Greek fire, a burning fluid which appears to have been composed chiefly of petroleum, probably from Baku. In the ceremonies of Bacchus torches were employed "composed of native sulphur and charcoal," which could be dipped in water without fear of being extinguished. Livy, XXXIX, 13. This smells of gunpowder. The timely earthquake which repulsed the Gauls at Delphi, and was followed by a shower of rain, if not entirely destitute of truth, strengthens the same suspicion. Justin, lib. XXIV, fin. A mixture of sulphur and charcoal is also alluded to in another of the Classics.

[17] See Chapter XVI.

images altogether, was postponed until the reign of Leo's son, Constantine Copronymus. [18]

Meanwhile the See of Rome was up in arms. It had protested in vain; the time had come for action. The churches of Italy and the West were declared independent and at once withdrawn from communion with the "Greeks"; the dioceses of Italy were advised or ordered to withhold payment of the imperial pontifical taxes, (in the northern provinces, known as Rome-scat,) and in order to resist any attempt at coercion on the part of the Basileus, negotiations were opened with Charles Martel, the warlike "Duke of the Franks," accompanied with an offer of the Roman proconsulship. [19] It must not be supposed, with the vulgar, that this memorable revolution grew merely out of an attempt to reform an idle ceremony. The policy of Leo and Constantine Copronymus went much further than this; it struck, as that of Mahomet had struck, at the very foundation of the Roman religion. Ecclesiastical writers, who would have us believe that Christianity was always as pure as it is now, that the further back we look, the purer it was, and that it captured the Roman world, either by a narrative of remote and uninteresting miracles, or by the force of reason, are wholly unable to explain the causes of this revolution. If the worship of images in the eighth century was the mere formality into which it has since degenerated, how could the proposed abolition of images from the churches have been sufficient to precipitate the secession of the Roman See from the empire? Would such a proposal at the present time array the Christian world in arms? The idea is preposterous. And why so? Because the presence of images in churches, even among the most ignorant communities of christendom,

[18] In 754 the Seventh General Council, as it is styled, composed of 338 bishops of Europe and Anatolia, met at Constantinople, and there formally condemned the worship of images. This council was not recognized by the Romans.

[19] Pepin of Heristal, a Roman comes palatini, had a wife named Plectruda, by whom he had a legitimate son, Grimoald. Pepin had also a concubine, Alphaida, by whom he had an illegitimate son, Charles (Martel). The latter murdered his brother Grimoald and was cast into prison for the crime, while Plectruda assumed a regency representing both the youthful Merovingian "king," (roi fainéant,) Dagobert III., and the youthful comes palatini, her grandson and the son of Grimoald. An ecclesiastical sedition in favour of Charles released the latter from confinement and proclaimed him subregulus, or Roman duke of the Franks. His party having secured the kingdom, he reigned over it as sole monarch, yet he permitted Dagobert III., Clotaire IV., Chilperic II., and Thierry or Theodoric IV., to reign nominally as "kings" of the Merovingian Franks, during a portion of his own reign, *i. e.*, from 716 to 737. Charles Martel died 741, after having greatly disappointed the clerical faction that raised him to power and gave him an honourable and immortal name.

(Russia perhaps excepted,) has no longer the significance that it possessed in ancient and medieval Rome. As explained elsewhere, this was a custom of the highest antiquity, derived from the ancient worship of ancestors, a custom which was not only sanctified by time, but enjoined in that article of the Sacred constitution which deified the emperors, ordered them to be adored, and set up their images in the temples of religion. The worship that Mahomet actually abolished and that Leo the Isaurian attempted to abolish, was the same one against which both Britain and Judea had unsuccessfully revolted. "There is no God but the one God!" cried these suffering provinces, but the Romans would not have it so, and the ultimate consequence was the entire loss to them of the eastern world when it embraced Islam.

In the war which the Roman See had declared against the empire, the Exarchate of Ravenna as well the Pentapolis and Sicily remained faithful to the emperor Leo, under whose directions several attempts were made to seize the person of the pope, who was threatened to be transported in chains, like his predecessor Martin, to the foot of the imperial throne. But the vigilance and resources of the See of Rome not only defeated these projects, they fomented a feud in Ravenna, in an attempt to stifle which, the imperial exarch lost his life. To punish this deed and bring the Latin "pope" [20] to his senses, Leo sent a fleet and an army to the Adriatic; but these forces were defeated by the insurgents; and the cause of iconolatrous Christianity prevailed. No immediate advantage was taken of this triumph by the See of Rome; it was not yet strong enough. Charles Martel, although he was the grandson of a Roman priest, had no thought of rebellion against the authority of the Sacred emperor. He had listened but coldly to the advances of the Latin pope, and had sent him no material aid. The emperor's offence was therefore affected to be regarded at Rome as a personal one and to be considered apart from his imperial and sacred offices. Leo and his son were still styled by the popes "Imperatores et Domini;" and no opposition was made when Leo sent other exarchs to Ravenna to represent him and to govern in his name. The Latin pope awaited his opportunity; and this opportunity came with the almost simultaneous deaths, in 741, of Leo and Charles Martel. These events left to Carloman, (Martel's

[20] Eginhard, a German priest of this period, called the pope sometimes the Bishop of Rome, sometimes rector, or presbyter. Theodoret, a bishop of the fourth and fifth centuries, whose work received a good deal of subsequent polish, is made to style him, "My Lord."

eldest son,) the Roman duchy of Austrasia and the right bank of the Rhine, whilst Pepin the Younger, (born 715,) inherited, under the Roman government, Neustria, Burgundy and Provence.

In 747 Carloman was successfully interned in a convent in Lombardy; when Pepin, disregarding and usurping the rights of Carloman's sons, and probably under instructions or advice from Rome, seized the lordship of France, reigning as maire du palais conjointly with a Frankish phantom king (roi fainéant) called Childeric III. In 752, and doubtless in accordance with further instructions from Rome, Childeric III. was also interned in a convent, and Pepin, after a mock show of being offered and accepted by the Franks, was anointed king, by Bishop Boniface, at Soissons. His part in the erection of the Medieval empire is related elsewhere. When this great event was accomplished, Pepin abandoned himself to a life of luxury, of which perhaps the most singular episode was the appointment of one of his concubines as abbess to a convent of monks.

In 768 Pepin instigated the assassination of the heroic Waifar, the vassal duke of Aquitaine,[21] whose dominion he annexed to the crown. He died during the same year, leaving the throne to his sons Carloman and Charles, or Charlemagne.[22] Dr. Robertson quotes a contemporaneous text to prove that Pepin was elected king of the Franks! The text runs as follows: "Pepinus rex, pius, per authoritatem papæ et unctionem sancti chrismatis et electionem omnium Francorum in regni solio sublimatus est."[23] If one part of this bit of clerical irony is to be read demurely, why not the other, which attests Pepin's piety? It is difficult to decide which to admire most, the ingenuity and mendacity of the medieval clerks, or the carelessness with which modern professors of history accept their false chronicles.

Meanwhile, in 741, Constantine Copronymus had ascended the imperial throne and renewed the war against images. In the same year Luitprand, an Arian Christian and the duke or "king" of Lombardy, was instructed to unite his forces with those of the imperial exarch of Ravenna and march upon Spoleto and Rome. A falling out between the allies dispersed this storm, but it broke out again, when, in 749, Astulphus succeeded his brother Rachis to the iron crown of Lombardy. This prince, taking advantage of the Arabian wars, in which the empire was at this time plunged, and ungrateful for the

[21] Acqutaniæ ducata politi sunt nomine tamen Francorum regum. Charter of Charles the Bald. [22] Chron. Fredigar. Continuat. c. 135.

[23] Clausula de Pepini consecratione ap. Bouquet, Recueil des Histor., tom. v p. 9. Robertson, Charles V., Note 38.

good offices performed for him by the Latin See, boldly avowed himself the enemy of both emperor and pope; and in 752, after subduing Ravenna and dispatching the exarch, he encamped under the walls of Rome and demanded as her ransom from assault, the tribute of a piece of gold, to be paid to him annually by each of her citizens, including, of course, the numerous adherents of the pope. [24]

The time had now come for the move long contemplated by the Latin See. Beguiling the emperor with an appeal for aid, which he had no intention of accepting, and amusing Astulphus with the pretence of entreating his forbearance, the pope, Stephen III., took advantage of the opportunity, which the interview with the latter afforded him, of quitting the beleaguered city; then journeying with the utmost speed across the Alps, he appeared before his protegé, explained the critical situation of affairs and pointed out the advantages to be gained by immediate action. But a descent upon Italy was not a matter to be lightly considered, and Pepin very naturally enquired what terms the pope was prepared to offer. The answer was, the immediate control of the western church, the right of investiture in Gaul and its tributary states, and for the future, every possibility. While these negotiations were going on, Astulphus, learning where Stephen had gone, released Carloman from the convent of Monte Casino and induced him to undertake a mission of peace to Pepin. By this time the negotiants had concluded their compact. In it was comprised the conditions that Pepin should be absolved from his allegiance to the phantom king of the Merovingians, Childeric III., that the ceremony of his own coronation should be repeated by the pope in the church of St. Denis and that it should include Pepin's two sons, Charles, (Charlemagne,) and Carloman. [25]

This memorable transaction took place in 754. Leaving his wife, Bertha, to keep an eye upon his brother Carloman, at Vienne, (Dauphiny,) Pepin marched in the spring of 755, crossed the Alps, defeated the Lombards in the foothills, and at once laid siege to Pavia, within the walls of which place Astulphus had taken refuge. Foreseeing the triumph of his enemy, Astulphus offered to yield the fortifications and territory he had won and to acknowledge his suzerainty, provided

[24] "A piece of gold," with reference to the Roman Empire always meant a solidus, or bezant. For its weight, from time to time, see my "History of Monetary Systems."

[25] Roi fainéant, or idle king, was a soubriquet invented by the papacy. Phantom king is more expressive, but both are misnomers. These kings were the vassals of the Sacred Empire and governed under its authority. In the course of time the papacy reduced the Sacred Empire itself to a phantom.

Pepin would evacuate Italy at once. These terms Pepin accepted. The territory recovered from Astulphus consisted of the greater portion of the Exarchate, the five cities of Rimini, Pesaro, Fano, Sinigaglia and Ancona, (called the Pentapolis,) and seventeen other towns, situated chiefly on the Adriatic. All this was now (755) bestowed upon the pope, to be held as a fief of Pepin, a fief whose peculiar character is briefly discussed at foot. From this date commenced what is called the "temporal kingdom" of the pope. [86]

Pepin, although he had become the actual sovereign and suzerain of a considerable portion of Italy and had adopted or accepted the titles of king of the Franks, (rex Francorum,) and Roman exarch and patrician, evinced no design of a further rupture with the Greek empire. On the contrary, his acceptance of the title of exarch and patrician, which latter, though bestowed by the pope, could only have a value during the existence of the Sacred empire; his suppression of the Merovingian gold coins, and his own abstention from coining gold, all prove that he regarded his kingdom, notwithstanding its enlargement, as a sort of younger brother to the empire. Accepting forty distinguished hostages from his new vassal, Astulphus, Pepin returned with the main portion of his army to France, where he at once made preparations to bring the affairs of his kingdom into accord with his new circumstances and those of the fiefs which he had erected in Italy. In the same year, 755, he abolished the Merovingian coins, which down to that time had circulated in France, melted the Arabian dirhems coined by his father, [87] struck new silver deniers, of which twelve went to the quarter-solidus or gold shilling of the

[86] That the Exarchate and Pentapolis were fiefs of the Empire no one disputes; that after subjugating them Pepin or Charlemagne held them as fiefs will not be disputed; and that the pope performed numerous acts of feudal subjection and homage to the Carlovingians, as suzerains of these fiefs, is susceptible of overwhelming proof. Yet there was a peculiarity about these fiefs, which, had the ecclesiastics been as good lawyers as were the Carlovingians, they might have saved the pontificate of the tenth century from the guilt of forging the "Decretals of Isidore." A fief is a grant of land or other temporality, upon conditions, which conditions, if not observed by the beneficiary, render the grant forfeit to the suzerain. But a grant to the Lord can never be forfeit, for the Lord (of Rome) taketh, but he never giveth up anything. Hence a fief granted to Rome became practically a donation. However, the forged Deed attributed to Isidore included something more than the fief of the Ecclesiastical State, which proves that the ecclesiastics, though they may have been poor lawyers, were accomplished conveyancers.

[87] These were the moneta soldaren, a Languedoc Latin phrase for "Sultan's Money." The pieces were of silver, and weighed 38 to 39 English grains each The Arabian dirhems weighed 43 grains. Money and Civilization, pp. 22, 186.

Basileus, and thus permanently restored to France the Roman monetary system of £ s. d.

In the midst of these preparations he was again called to arms. No sooner was it ascertained that Pepin was safely back in France than Astulphus, breathing vengeance, had again laid siege to Rome. It is claimed that on this occasion the pope, fearing to fatigue the zeal of his ally, sent to Pepin the Forged Letter of St. Peter, which endowed him, centuries in advance, with riches, victory and paradise, upon condition of guarding and protecting St. Peter's tomb at Rome; on the other hand, it threatened him with eternal damnation if he refused. To this appeal, however unwilling he might otherwise have been to again undertake so costly an enterprise, it was impossible for Pepin to turn a deaf ear. Once more he crossed the Alps, once more he defeated Astulphus and shut him up in Pavia, and once more he delivered the "tomb of St. Peter" and the budding authority of the "pope" from the perils of an Arian conquest. The war which opened so briskly was soon brought to an end by the sudden death of Astulphus, occasioned, it was said, by a fall from his horse, in 756. He was succeeded by Desiderius, his principal commander, a person acceptable to the pope. [28] After adjusting the terms of a peace with Desiderius, Pepin returned to France. It is from the foundation of the fief of Ravenna that the Medieval Empire took its rise; not from the crowning of Charlemagne, which last-named event was merely the sequel of the former.

The division of the empire was now complete. In vain had Constantine Copronymus sent an embassy to Pepin laden with presents, among them one of those harmonious instruments in the invention or manipulation of which Rome has contrived to maintain an enviable supremacy down even to the present day. [29] The cunning Frank was proof against such blandishments, and although the emperor's ambassadors were treated with the profoundest respect and were doubtless charged with dutiful assurances that the prerogatives of the Sacred monarch would never be infringed by the king of the

[28] Muratori, rer. Script. Ital., vol, II, p. 3.

[29] Tacitus mentions a hand-organ as early as the reign of Nero. An ancient monument of Rome, depicted in Hawkins' History of Music, represents a keyed organ into which a man is blowing with a bellows, and upon which a woman is playing. Among the terra cotta antiquities exhumed by Mr. Barker at Tarsus was the figure of a man in Roman costume playing an organ. Lares and Penates, p. 260. The period of these antiquities is placed by Barker in the first century. On p. 189 he admits it may have been so late as the third century. The organ presented to Pepin had seven stops. It was placed in the Church of St. Corneille, at Compeigne. Morell, History of France, p. 78.

Franks, it was evidently the intention of Pepin to keep what he had got, peaceably if he could, forcibly if he must. The theory of some modern writers, that when Charlemagne entered Rome in 774 he did so as exarch and patrician, the one a title implying vassalage to the emperor, the other implying vassalage to the pope, is true only to this extent, that both Pepin and Charlemagne were exarchs and patricians. They took everything that was offered to them, and much that was not. As exarchs of the emperor they respected his ancient title and authority; as patricians appointed by the clerico-municipal conclave, which the wily pontiff had inflated with the title of Roman Senate, they wore the title for what it was worth. Dealing knowingly with Greek duplicity and medieval Roman humbug and intrigue, the founders of the Carlovingian dynasty proved themselves a match for both.

Upon the death of Pepin, in 768, his sons, Charlemagne and Carloman, were crowned joint-sovereigns. One of the first acts of the former was to strengthen his claim to the fief of Lombardy and Ravenna, by marrying Desiderata, [30] the daughter of Desiderius, Duke of Lombardy. This took place in 769, or in the early part of 770. Charlemagne was already married [31] to Himeltruda, or at least lived with her and had a son by her named Pepin; so that, especially in view of what happened afterwards, his nuptials with Desiderata must be regarded with a strong suspicion of politics. Within the first year of his marriage, intelligence seems to have reached him from Rome that Desiderius was his enemy, perhaps that the latter was making preparations to surrender the pope's newly acquired fief to the Basileus. The young wife's alleged sterility is an obvious pretence. [32] At all events, Charlemagne, in 771, put her away, sent her to Pavia, got his marriage dissolved by the bishops, and the same year married Hildegarde, the daughter of a Suabian noble. Nor was this all that happened this year; Carloman died suddenly and was buried at Rheims, without making any provision regarding the succession. The flight of his terrified widow with her children to Pavia, points to the instigators, if not also the authors, of her husband's death. [33] Nor was even Pavia safe; for Hunald of Aquitaine, a fugitive from his own

[30] Variously called Desiderata, Desideria, Bertha, (the same as Charlemagne's mother,) and Hermingard or Irmingard.

[31] So the pope held. Eginhard, who, however, is always a partial witness for his hero, says the woman was a concubine.

[32] In 769 Carloman was so imprudent as to disapprove of the papal settlement, and in 770 he corresponded frequently with Desiderius, who had seized upon some portion of the Exarchate. Anastasius, vit. Stephen III.

[33] Mon. Sangellens, lib. II, cap. 26.

country, having in vain sought redress from the pope against Charlemagne, repaired to Pavia, where he was mysteriously killed by a stone thrown by some unknown hand. Sigebert's brief apology of apostatavit for this crime, whilst it may excuse the assassin, also serves to point out the class to which he belonged, or by whom he was employed. It is abundantly evident that mischief was afloat, that the instigators were in Rome, [34] and that when sides had to be taken by the various parties affected, they instinctively sought refuge either with the Catholic Charlemagne, or the Arian Desiderius.

When, in 772, Hadrian succeeded to the Latin See, Desiderius made a formal request that the children of Carloman should be acknowledged and consecrated as the rightful sovereigns of that part of France which their father had possessed during their lives. To propitiate the pontiff, Desiderius agreed to waive further dispute and to surrender that portion of the Exarchate which he was accused of having wrested from Rome. Instead of carrying out this proposal, Hadrian at once sent word to Charlemagne. Hearing of this, Desiderius placed himself at the head of his army, seized Faienza and Commachio, and then laid siege to Rome. Nothing had been heard from Charlemagne, whom it afterwards appeared was at Thionville, taking part in festivities which were being celebrated for the birth of his son Charles, by Hildegarde. The land approaches to Rome were all blockaded by Desiderius. In this difficulty Hadrian despatched a courier by way of the Tiber and the sea. This messenger having safely reached Marseilles, posted in haste to Charlemagne, and laid before him the danger which threatened the Latin See. To these

[34] The "pope" objects to Charlemagne's marriage, (Codex Carolinus XLV,) the "pope" approves the marriage, the pope condemns the marriage, the bishops pronounce the divorce, the bishops remarry the widower, Saint Fulda negotiates with Tassilio of Bavaria; in short the ecclesiastical hand is in everything. At one time Sergius, the pope's legate to Charles and Carloman, is "Sergium fidellisimum nostrum," at another he is strangled in prison by the pope's order. Affiarta, who had been employed by Stephen, is honoured by Hadrian, who at the same time sends secret orders to the Bishop of Ravenna to execute him at sight. The gentle pope in one letter calls the Lombards leprosi and fœntentissimi, and stigmatizes their friendship as pollution, (Codex Car. Ep. XLV,) whilst in the very next letter Desiderius, their king, is styled excellentissimus filius noster, and he is overwhelmed with praises. At the same time Charlemagne is warned to beware his treachery. The character of other moves in the game betrays the same players. Superfluous or annoying persons, though in the prime of life, when they are not removed by some sudden and dastardly act of Providence, are sure to be found interned in a convent. The reader will find the proofs of this assertion in the author's work on "Ancient Britain," in which the names and rank of the interned persons and the places of their internment are given at length.

representations, and to the inducements and promises which doubtless accompanied them, the king lent an attentive ear, and a bargain having been struck, preparations were at once ordered for a campaign of relief. But while these military preparations were being made by Charlemagne, that is to say during the winter of 772-3, the king sent three embassies to Desiderius proposing terms of accommodation. He offered to pay Desiderius 14,000 solidi if he would give up the war and restore the cities he had taken.[35] We have no information as to what Charlemagne proposed for Carloman's children, or for his own repudiated wife. Whatever they were, Desiderius rejected them, the siege of Rome went on, and Charlemagne, in the summer of 773, began a sudden march over Mount Jovis, (now the great St. Bernard,) and Mount Cenis. He had accomplished the worst part of this journey in safety before intelligence of his movement reached the Lombardian duke. Hastily abandoning the siege of Rome, the latter, after vainly attempting to stop Charlemagne's forces at the pass of La Cluse, retreated to Pavia, and from a besieger, he became besieged. The defence of Verona, whither for greater safety he had sent the wife, (Giberga,) and children of Carloman, was entrusted to his son Adalgisus and a Frankish noble named Autcarius. Learning of this, Charlemagne, after leaving a sufficient force to invest Pavia, marched to Verona, which, after a brief resistance, capitulated to him. Adalgisus escaped to Pisa, and thence to Constantinople, where we hear of him again. Giberga and her children disappeared forever.[36] Returning to Pavia, Charlemagne pressed the siege for more than a year, meanwhile corresponding frequently with Rome. Having sent for his wife and children, he left Pavia, still besieged, in the summer of 774, and journeyed to Rome, accompanied by an immense concourse of priests, nobles and soldiers. Thirty miles from the city he was met by a numerous and festive deputation from the "pope". Here Charlemagne put off his military tunic, and arrayed himself in all the splendour of ceremonial robes, gold, and precious jewels. Entering the capital, he passed in triumphal procession to the church of St. Peter's, where he met and embraced the pope; received from him homage as king of the Franks and Lombardy,[37] and confirmed

[35] Anastasius, vit. Hadrian. Paulus Diaconus, Hist. Lombard. Supplement.

[36] Velly and Le Beau attempt to identify the second son of Carloman with Siagrius, Bishop of Nice in 777. It reads like the story of the Iron Mask.

[37] Charlemagne assumed this title before the fall of Pavia, a fact which James regards as unimportant, but which we have ventured to think has some bearing upon the situation.

the grants made to him by his father, Pepin.[88] On this occasion Charlemagne struck coins in his own name at Rome, he required the "pope" and others to swear allegiance to him and his family, he appointed officers of the law, and by them justice was administered. In short, he arranged, both by assertion and practice, those evidences and conditions of sovereign authority, which, as we shall see in the sequel, were destined never to be permanently settled. After this he left the capital and returned to the siege of Pavia, which he now prepared to reduce by famine. It surrendered to his forces in the summer of 774. A coin or medal ascribed to Charlemagne on this occasion bears the device Devicto Desiderio et Papia recepto; with the date. Desiderius, with his wife and daughter, the divorced wife of Charlemagne, were sent into France, where they were interned in the monastery of Corbie, after which the conqueror returned to his proper kingdom. The subjugation of the Arian kingdom of Lombardy and Charlemagne's subsequent crusades against moslem Spain and pagan Saxony and Hungary, clearly evince the nature of the compact between Charlemagne and the pope. The king was to conquer and command; the pope was to obey and enjoy the benefices. It was a compact between lion and jackal.

In 775, Hildebrand, duke of Spoleto, (whose territories Charlemagne had annexed as an appanage to the dominions of the Latin See,) and Rodgard, duke of Friuli, made a league together, whose object it was to recall Adalgisus from Constantinople and reconquer Lombardy in the name of the Emperor, Leo IV., the son and successor of Constantine. The tardiness of Leo in supporting this scheme enabled Hadrian to send repeated messages to Charlemagne, who, in 776, again traversed the Alps and descended into Italy. Advancing at once to Friuli he took that place, beheaded Rodgard, returned to Treviso, which was betrayed to his forces by a Roman priest named Peter, (who was rewarded for the act with the bishopric of Verdun,) and having garrisoned these and other towns in Lombardy with Frankish troops, returned at once to France, on the frontiers of which the indomitable Saxons had again made a hostile demonstration.

The year 777 was marked by the league of the Saxon leader, Witikind, with Sigifrid, king of Denmark, and by the overtures to Charle-

[88] Every phase of this subject has been fiercely disputed. The number of works written pro and con upon the nature of these relations would form a large library. The coins decide the controversy. Pope Hadrian coined, as a vassal and in the name of Charlemagne, in the year 772.

magne of Ibn-al-Arabi, the Saracen emir of Aragon or Saragossa, who offered to "hold" his territories from the "Emperor" of the Franks, rather than from the hated Caliph of Cordova. A medal with the device, Capta excisâque Pampeluna, attests Charlemagne's conquest of the Spanish March, and the resistance and fall of Pampeluna, in 778; the rest of the country, as far as the Ebro, having quietly submitted to the conquerer. The memorable defeat of Charlemagne's rear guard at Roncesvalles, (Roscida Vallis,) marks the revenge of the Aquitaines for the murders of Waifar and Hunald.[39]

In 779, letters passed between Charlemagne and Hadrian, concerning the slave trade and the irregularities of the Italian clergy, which sufficiently attest the assumption of sovereignty on the part of the former and the willing submission of the latter.[40] Hildebrand, the whilom rebellious duke of Spoleto, also paid homage to Charlemagne the same year.[41] In 780, Charlemagne, accompanied by several of his younger children, whom he desired to be consecrated by the hands of the pope, again entered Italy, and in order to make preparations for the ceremony, took up his residence at Pavia.[42] Here Hadrian informed him that a league inimical to the interests of the nascent empire had been made between Arichis, duke of Beneventum, and Tassilio, duke of Bavaria, both of whom had married daughters of Desiderius, some time before the monastic internment of the latter; whereupon Charlemagne took measures to win the parties back to their fealty. While employed in this matter, that is to say, during the winter of 780-1, news came of the death of the sovereign-pontiff, Leo IV., and the accession as regent or joint-sovereign, of his widow Irene, a young and beautiful Greek, and an inveterate image-worshipper.

The Sacred Empire had not yet lost all its footing in Italy. Terracina, Naples, and Calabria were still faithful, and Beneventum had proved itself ready to revolt from Frankish dominion. Nor had Charlemagne assumed any title that implied defiance to Constantinople. The road apparently remained open to reconciliation, and Irene took this road by sending friendly messages to the king of the Franks and the bishop of Rome. These were followed soon after by two embassadors, Constantine and Mamulus, who demanded the

[39] The battle of Roncesvalles was won by the Gascons and Basques. The Goths had no share in the fight, and the Saracens none of the spoil. James, 231, n.

[40] Codex Carolinus, Epist. LXV. [41] Annales Loiseliani; Annales Mettensis.

[42] The ceremony took place in 781. Carloman, whose name was changed to Pepin, was consecrated king of Italy; Louis, as king of Aquitaine.

hand of Rotruda, the eldest daughter of Charlemagne, (a girl of eight years,) for Irene's son, Constantine V., then ten years old. Had this proposal been submitted to the Latin See, it is abundantly evident from what had gone before that it would have been at once rejected. The Frankish king could afford to turn the incident to advantage. As for his daughter's concern in the matter, that was of no consequence. He acceded to the proposal without hesitation. It was only a promise. It relinquished nothing, and yet might serve to crush the hopes of Adalgisus, secure peace on his eastern frontiers, and afford him time to ripen his father's project of a junior empire. Rotruda was in consequence pledged to Constantine, and the eunuch Elisæus was permitted to remain near the young bride, to instruct her in the language and customs of her future court. Returning to France in 781, Charlemagne for several years pursued a war of extermination against the Norsemen.[43]

In 786, he returned to Italy, where he compelled the Duke of Beneventum, whose fealty Hadrian had impugned, to place his (Charlemagne's) name upon his coins, as a public and well understood mark of the latter's suzerainty and the duke's vassalage.[44] His next act was to summon to his presence the imperial embassador, to whom he intimated that the contemplated marriage between his daughter and Irene's son was no longer possible. When this message reached Constantinople, it, of course, produced profound indignation. It led in the following year, 787-8, to another attempt to reconquer the Exarchate with the assistance of Arichis and Tassilio, the dukes of Beneventum and Bavaria. Providence, ever on the alert to defend the titles of the "pope" to his temporal possession, suddenly spirited away both Arichis and his eldest son; and we hear of them no more. By a strange coincidence Tassilio and his wife, Luitbirga, a daughter of Desiderius, were both interned in a convent, and thus all the local leaders, actual, or prospective, of this movement, were suppressed. Irene, nothing daunted, lands a force in Italy under John and Adalgisus,[45] and attempts to recover the Exarchate, but her army is met, fought and totally overthrown by the forces of Charlemagne, who now reigns undisputed master of the peninsular.

In 794, (and upon charges preferred by a priest,) Pepin, the

[43] The Tilian annals, written before 808, call the Danes, Norsemen—Northemanni. They were associated with the Saxons in this war.

[44] Le Blanc, Traite des Monnois, p. 100, 4to, ed.

[45] The son of Desiderius. After this defeat Adalgisus completely disappeared and was probably interned in a convent. James, 325.

natural son of Charlemagne by Himiltruda, is interned in a monastery. In 795, Pope Hadrian dies and is succeeded by Pope Leo, who in the following year sends to Charlemagne the keys and banner of St. Peter as marks of homage to his lord and suzerain the king of France and Italy.[46] Alfonso II., (the Chaste,) king of Leon and Asturias, also does him homage, so does Eardulp, or Ardulp, king of Northumbria, and so do other kings of Britain,[47] of whom more in another place. In short, as the necessary consequence of the pope's submission to him, Charlemagne became the lawful and acknowledged sovereign, and Defender of the Faith of the Catholic world. To be called Augustus Cæsar, and have an imperial crown fitted to his head, were ceremonies whose fulfillment might well await an auspicious moment or a favourable opportunity. Such an one occurred in the year 800.

An alleged attempt was made to abduct the Latin pope. He was seized in the streets of Rome, in the midst of a religious procession, that of the Greater Litany, and hastily borne to the monastery of St. Erasmus, where he was locked up. This circumstance has been greatly exaggerated. Some say that an attempt was made to blind him, others that both his eyes and tongue were removed, and that his recovered sight and speech were due to a miracle. The only undisputed circumstances are that he was abducted and borne to a monastery, that his eyes were good enough to afterwards enable him to pass through an unguarded window and escape to Charlemagne's camp at Paderborn, and his tongue sufficiently fluent to tell his own story to that crafty

[46] Shortly after this time, about 801, the caliph Haroun-al-Raschid in response to an expression of Charlemagne's solicitude concerning the Christian inhabitants of Jerusalem, courteously sent him the keys and banner either of that city or of the Holy Sepulchre, bidding him to govern it as he pleased. This action was evidently nothing more than a piece of politeness, but it so closely resembled that of Pope Leo that it has been employed to throw a colour upon the latter, by regarding this also as a mere formality. But such an argument will not do; for the circumstances were totally different. Charlemagne was the conqueror and sovereign of Italy, his father had donated and he himself had confirmed, the temporality of the pope; whereas, on the contrary, Charlemagne had never set foot in Palestine, and he neither possessed nor claimed any rights there. If the vassalage of the pope rested upon this circumstance alone, it might be worth a more extended examination, but such is not the case. Charlemagne assumed and exercised sovereign control of Rome and the fiefs of Lombardy and the Exarchate; the pope and the dukes of Lombardy, Beneventum, etc., swore allegiance to him. The pope not only sent Charlemagne his keys and ensign, he struck coins in the king's name, ("Hadrianus Papa 772,") he submitted to be tried before him at St. Peter's, and he anointed, bowed down to, and even adored his person. If these are not acts of subordination and feudal homage, then there is no meaning to these terms.

[47] Eginhard, cap. XVI; James, p. 465.

monarch. The authors of the abduction are unknown. It was charged upon Campulus and Paschal, two of Leo's rivals for the pontificate in the Sacred College, but judging from the time and public place selected for its commission, the ease and rapidity of Leo's escape, and the momentous consequences of his journey across the Alps, it has all the appearance of having been committed at the suggestion of the pontiff himself. However this may be, the return of the pope to Italy was made the occasion to march an army thither and to send forward a vast number of nobles and prelates, destined no doubt to take part in the ceremony that Charlemagne and Leo had arranged. [48] The king soon followed, accompanied by another army. As he approached the city of Rome he was met at Lamentana by the pope, and the next day their combined processions entered the capital, where every preparation had been made for their joyous reception. Before the final act of this pretty drama was performed, it was necessary to clear the pope of certain counter-charges which Campulus and Paschal, the accused cardinals, had brought against him. For this purpose an ecclesiastical court was convened at St. Peter's for the trial of Leo. This court consisted of all the high dignitaries of the Church and probably included the French ecclesiastics, whose assemblage at Rome had been ordered from Paderborn. Over this court Charlemagne presided in person as sovereign and supreme judge, and at this court, Leo, making no objection to its jurisdiction, pleaded not guilty. [49] No accusers appearing in person, and the pope having purged himself by a solemn oath of any part in the offences which had been imputed to him by the now absent Campulus and Paschal, he was unanimously declared innocent; and judgment was accordingly pronounced by the king. [50]

On Brumalia, or Christmas Day, A. D. 800, Charlemagne, attired

[48] It is as amusing to read James' heated denial of Charlemagne's obvious intention to be crowned Emperor of Rome, as it is to observe the ill dissembled surprise of that ingenious monarch himself, when Leo, like another Marc Antony, placed the imperial crown upon his head. "I have sought in vain for the slightest suspicion of the kind in the older historians either of France or Italy," says Mr. James, who appears to forget that the older historians were subject to a censorship which permitted nothing to be published that conflicted with the policy and views of Rome. "Really, Leo, you take me by surprise," is the sentiment, though not the words, which he attributes to the bashful Charlemagne, who has come to the ceremony fully attended both by his nobles and his family, completely attired and bejewelled as an emperor, and prepared with a vast array of imperial presents. [49] Anastasius, vit. Leonis III.

[50] Anastasius gives the pope's oath in the following words: "Quia de istis falsis criminibus, quae super me imposuerunt Romani, qui iniquè me persecuti sunt, scientiam non habeo; nec talia igisse me cognosco."

in the long purple-bordered robe of a Roman patrician, and surrounded by his family, his nobles, his guards, and a vast concourse of ecclesiastics, soldiers and citizens, many of whom were employed in flinging a largess to the multitude through whom they passed, appeared at St. Peter's church and took part in the religious ceremonial of the day. As the king was about to rise from a kneeling attitude before the altar, Leo advanced towards him, and raising an imperial crown, he placed it on the head of the monarch, amidst a cry that suddenly burst forth from the assembled multitude, "Long life and victory to Charles Augustus, crowned by God, great and pacific Emperor of the Romans!" Although Eginhard and many later historians inform us that Charlemagne was quite taken aback with this action, he neither refused the crown nor protested against the title, but on the contrary, accepted both. Not only this, he accepted the title formally, he took the imperial oath, and permitted himself to be anointed from head to foot with holy oil, and to be adored by the faithful Leo in the manner anciently employed towards Julius, Augustus Cæsar and their imperio-pontifical successors. His eldest son, Charles, was also anointed with him. These ceremonies having been duly performed, the officers of the court advanced and introduced a new and magnificent function. By the greatest piece of good fortune a quantity of tables, made of solid silver, vases and chalices of gold, crowns and pateræ, enriched with gems, and other beautiful and valuable articles, had been unconsciously brought to St. Peter's by the royal attendants; and these were now distributed to the assemblage. New cries rent the air, and these, caught up by the people without, were carried along the entire route through which the imperial cortege swept from the church to the palace, "Long live Carolus Magnus, the Emperor of Rome!" [51]

[51] The details in the text are gathered from Eginhard, the Tilian and Loiselian annals, Paulus Dioconus, Anastasius, Flodoardus, etc. The two last declare that the son of Charlemagne was anointed with him. Gaillard and the Memoirs of the Academy agree in believing that it was the eldest son. The adoration of Leo is attested by Eginhard and all the other annalists, while the anointment is certified by Anastasius Theophanes.

CHAPTER X.

THE LOST TREATY OF SELTZ.

The religion of the Roman empire was reflected in its triune constituents—Attitude and relations of the Three Powers after the Treaty of Seltz—Division of dominion and authority—Partition of Italy—Divisible and unital powers—The Greek empire retains its ancient prerogatives—The Frankish empire acknowledges the Basileus as head of the Church—The Roman pontificate becomes a fief of the Franks—Reasons why the latter kept on good terms with the Basileus—Death of Charlemagne—Accession of Louis the Pious—Suppression of the Treaty of Seltz—Appearance of the False Decretals—Under this instrument the spiritual and temporal powers of the Frankish empire were practically merged—Bargain between the Latin See and Charlemagne to recognize the latter as the Augustus or sovereign-pontiff and Cæsar, or emperor, of the Western world.

THE religion of the empire was now reflected in its form. The moment the Imperial Crown was placed upon the head of Charlemagne there became apparently three Roman empires, the Elder, the Junior, and the Spiritual. In reality, or as nearly in reality as the situation can be viewed through the delusive medium of an hierarchy already eight centuries on its way toward extinction, there was but one empire, and the capital of that one was Constantinople. Mountains of books have been written to explain other mysteries of the hierarchical system, but none have been written to elucidate the position of the Basileus. The moral is plain. That which involves a tiresome explanation, is probably not true. The explanations have, at all events, never been satisfactory. When society is established upon the basis of fable and imposture it is impossible to reduce its institutes to an exact measure of law. Such was the basis upon which Roman society had been established by Julius Cæsar and upon which it still stood. To apply the principles of law to such a condition of affairs is sheer waste of effort. The best we can do with hierarchical institutes, is to reduce them to the fact. What powers or prerogatives did the emperor of the Franks actually exercise? What prerogatives did the pope exercise; and what prerogatives, if any, did they exercise together? Even when these questions are answered we shall find that we are dealing with an hierarchical constitution,

which continually recast its feudal skin, shifted its ground, and wriggled out of sight. [1] Before Charlemagne's imperial coronation, the youthful Constantine VI. wrote him a letter, which, could it now be referred to, would probably throw great light upon the mutual attitude of the parties at this period. But it is no longer extant. Irene is said to have marked her high displeasure at this letter by blinding her son; but as she held views which did not suit the theories of the honourable men who have written her history, it is quite possible that the unnatural story which has come to us through them, in common with much else that they have written, is a mere invention, motives and all. [2]

In 803 Charlemagne concluded a treaty with Nicephorus I., which had been commenced under Irene and which doubtless succinctly defined the mutual relations of their respective empires. [3] This treaty, copies of which were deposited in Constantinople, Aix la Chapelle and Rome, is also lost. Many miracles are recorded in the books of this period, but the greatest miracle of all is not recorded in any of them. It is the corruption, mutilation, or destruction of every literary evidence concerning the origin, history, and legal relations of the Latin pontificate; and the survival of the fables invented to sup-

[1] The relations of the Latin See to the Basileus down to the seventh century are shown by the attitude of Gregory toward the emperor Maurice and the usurper Phocas. The present attempt to rehabilitate the lost Treaty of Seltz may serve to indicate these relations down to the ninth century. Then follows a blank of two centuries. In the eleventh century the efforts of the Latin See, now the papacy, to overthrow the Basileus with the aid of the heretical Roger, prove that the suzerainty of the Basileus was still asserted and perhaps maintained. It was not until 1204, when Constantinople fell beneath the Latin arms and its records were destroyed, that the papacy became entirely independent. The collection of alms in the West by the pope for the "Eastern empire," mentioned by Matthew Paris, has little significance, because the Eastern emperor at that time, (reign of Baldwin,) was a mere tail to the papal kite.

[2] The political custom—for such it was—and operation of blinding, was derived from the East, and is only one of the ten thousand horrible fruits of hierarchical government and policy. The operation was performed by passing a hot brass basin before the eyes, without touching or otherwise injuring them. It is fully described by the Jewish traveller Texeira, in his work entitled "Voyages de Texeira, ou l'histoire des Rois de Perse," translated from the Portuguese by C. Cotolendi, Paris, 1681. It is also described by Amador de Los Rios, in "Estudios sobre los Judios de España," Madrid, 1848, p. 557; and by Duarte Barbosa in his "Description of the Coasts of the East, in 1514," London, translated for and published by the Hakluyt Society, 1866, p. 44, note.

[3] "He made with them the most binding Treaty possible that there might be no occasion of offence between them." Eginhard, IV, 16. The date and place of this famous Treaty are supplied by James, p. 460, who contents himself with briefly observing that "The Treaty of Peace between Charlemagne and Nicephorus has not been preserved."

ply their place.[4] In order to determine these relations, historians have been obliged to make use of the fragmentary and perverted evidence that remains; and it is in the selection of these materials and the use made of them, that they have differed most widely. With some historians the position of the Greek empire has not been regarded as important. For example, Mr. Hallam devotes just five pages out of 720 to the history of this, the original, the parent empire, between the eighth and thirteenth centuries. How the ghosts of the book forgers and mutilators of the ninth century must have chuckled with triumph when the "History of the Middle Ages" was printed! Mr. Bryce also slights the subject and has strangely overlooked the significant fact that the medieval chroniclers from Bede to Matthew Paris as uniformly and strenuously insisted upon the Greek origin of the western nations as now the scripturalists and verbalists contend for their Aryan origin.[5]

As a matter of fact the Greek empire is the pivot of all European history down to the fall of Constantinople. Until the "barbarian revolts" its armies had held the world in awe, its navies swept the sea, its laws were enforced and its customs observed, from India to the Atlantic ocean; its temples were reared in every clime, its religious rites were performed under every sky. Is it to be believed that all this ceased or changed with the success of Mahomet, the secession of the pope, or the invasion of Lombardy by Pepin? Not the mutilated parchments of antiquity, but the monuments which archæologists have dug up for us, shall answer this question. If the Empire was weak, it was not the weakness of a sparse or enervated population; it was due to its hierarchical and feudal government. If it was drifting toward dissolution, it was still of such important dimensions that it proved a work of centuries to dispose of its remains. Even after its military power ceased to be respected; after Goth, Moslem and papal crusader had successively narrowed its frontiers or laid waste its territory, yet its laws, customs and imperial prerogatives continued to govern all Christendom. The drama of medieval Europe, as viewed from the Latin pontifical standpoint, is like the play

[4] Among these fables and forgeries is probably the "Rescript" published by Jacques Bernard.

[5] As shown in a note to Chapter VI herein, Mr. Buckle very clearly marked this fact without perceiving its entire significance. On the suppositious descent of the Britons from Priam and Æneas he refers to Matthew of Westminster, and the letter of Edward to Pope Boniface; and he follows this with an immense array of other evidences; but nowhere does he ascribe the circumstance to the inflence of the Sacred (Greek) empire nor to the religious myths conserved by the Greek and Roman writers.

of Hamlet, with the ghost displayed in every scene and the king left out entirely.

Foremost among any array of materials for determining the relative position of the three great fragments into which the ancient empire had been split by the secession of the Latin pontificate and the erection of the Frankish empire, must be the Sacred constitution. Next must be the military resources of the Greek emperor, which were still sufficiently formidable to control the central provinces, (the Balkan peninsular,) Dalmatia and parts of Italy and, in the following century, to recover from the Moslem the entire province of Anatolia, (including Galatia,) with parts of Syria and Armenia. The policy of Charlemagne is an important contribution to such materials. His assiduous cultivation of friendly relations with Haroun al Raschid, the powerful and sinister neighbour of the Greeks; his desire to unite the Greek and Frankish empires by marrying such a demon of cruelty as the empress Irene is described to have been; his remarkable abstention from enriching his upstart nobility with the illustrious titles of patrician, consul, præfect and duke, titles some of which his father had accepted from Constantinople, and which he himself had worn and cast aside; his unwillingness, whether from fear, fatigue or respect, to attack or molest the remaining dominions of the Greek empire in Italy;[6] these and other facts and circumstances indicate that in the Settlement of 803 the politic Charles was content to disregard the Form, provided he was left free to mould the Substance of his newly created empire. More definitively, they indicate that in order to secure the quiet possession of the Frankish empire and the enjoyment of the Catholic religion, undisturbed by the military interference, diplomacy, or intrigue of the Greeks, Charles consented to regard the Basileus as still the head of the Christian church.

Although the Church afterwards canonized Charlemagne as a saint, his orthodoxy was merely of the sort which belongs to conquerors and diplomats; for while the pontificate upheld the worship of images at Rome, he presided over a council at Frankfort, (A. D. 794,) which denounced this very practice as impious. Therefore there is nothing improbable in the supposition advanced. Charlemagne laid no claims to being himself the head of the Christian church. He certainly could not have held the pope to be the head,

[6] Mr. James attributes it to fear. He says that Charlemagne could not afford to make an enemy of the Basileus. But as he risked his enmity in conquering and depriving him of Lombardy and the Exarchate, there must have been another motive for not attacking Naples, Calabria and Sicily.

since the pope was his vassal who had done homage to him, and moreover was an image-worshipper, and, according to the council of Frankfort, an heretic.

Unless there were always to be two Christian cosmogonies, two calendars, two bibles and two sets of prophets, predictions, interpretations, miracles, relics, verifications, celebrations and festivals, there could not be two heads of an universal Church. And if there were to be but one head, upon whose shoulders could it rest with such propriety as upon those whereon it had always rested? Was not the authority of Cæsar repeatedly recognized and enjoined in the Holy Scriptures? Was Cæsar not still entitled to the things that were Cæsar's? Subject to those limitations which an altered state of affairs had rendered necessary, did not Cæsar still enjoy the prerogative to enroll and tax the world? And who was it that had the hardihood, the power or the authority to disregard these solemn injunctions and fly in the face of an universal belief, by setting up an additional or a different head for the Christian church? Why did the Greek court refuse the hand of Irene to Charlemagne and thus miss an opportunity to reunite and reëstablish the Roman Empire, if it did not fear to lose in such a marriage that attribute, still claimed at Constantinople, without which the restored Empire, though Roman in name, would have been in reality merely an empire of Franks?[7] And what attribute could this be but the sacred character of the Basileus? Was this character not inscribed upon thousands of marble tablets and millions of coins; was it not graven in the minds and hearts of fifty generations of men, entwined into all the customs of private life, and imbedded in the very language of Christendom?

The statement which appears in Eginhard that the Greek embassadors were permitted to allude to Charlemagne as "Imperatorum eum et Basileum appellantes" is, as it stands, simply incredible, and is contradicted by the style afterwards used in addressing his son and successor, which was "Imperatori Francorum."[8] Imperator was the usual title of any victorious military commander, but Basileus was

[7] Gibbon throws some doubt on this occurrence because it is not mentioned by the Latin writers. But it is related by Theophanes and other Greek writers of this period and there is nothing improbable about it.

[8] Nicephorus II. declared it scandalous to call the western prince, "emperor." He refused to acknowledge Otto I. as anything but "king of the Lombards." Luitprand, Legatio Constantinopolitana. Isaac II. addressed Frederick I. as "chief prince of Alemannia." However, what sovereigns choose to call themselves, or one another, is by itself poor evidence of their actual relations.

reserved for the Sacred emperor.[9] Charlemagne never pretended to have inherited, and he never wore the sacerdotal veil of Constantine. The Decretals of Isidore were not yet forged. Who then was the head of the Christian Church, who was pontifex-maximus in the year 803, unless it was the Emperor of the Roman, mis-called the Eastern empire?[10]

The Roman Empire had been divided by Diocletian and by Constantine, yet these sovereigns had not divided the sacred office of pontifex-maximus. That was undivisible, and so were those peculiar prerogatives, such as the regulation of the calendar, the granting of high titles, and the coining of gold, which belonged to it, and were invested with a sacerdotal character. What more natural than to follow those hallowed precedents in the settlement or treaty of the year 803?

Every circumstance, every consideration, even the subsequent miraculous loss of all three copies of the Treaty itself, leads to the belief that it recognized the Sacred character of the Basileus. When we come to consider the archæological evidences, we shall find this belief amply corroborated.[11]

To counterpoise those concessions to the Basileus which, although forced upon the Frankish emperor by unavoidable circumstances and considerations, were nevertheless too important to be made without a show of reluctance, he probably, in the Treaty, insisted upon the solemn investment of the Roman pontificate, with full power over all religious temples, priests, privileges, rites and ceremonies in the Western world, except the prerogative of altering the calendar, or the position of gold in the coinage system; for, as a matter of fact, we know that such power, with such exceptions, was thenceforth exercised at Rome, and never in fact resisted else-

[9] Yet even this was not always clearly understood. Basil I., having reproached Louis II., emperor of the West, about 878, with calling himself Basileus, the latter replied that it was only the Greek for rex and did not mean anything more. Bryce, 191-2. Edred of Wessex, (tenth century,) called himself Cæsere Totius Britanniæ, but he probably no better understood the meaning of Cæsar than Louis II. did that of Basileus.

[10] Manuel I., about the middle of the twefth century invited pope Alexander III., when the latter was worsted by Frederick, to return to the allegiance of his rightful sovereign. Bryce, 193.

[11] The Eastern Church was a thorn in the side of the papacy and the Eastern emperors never ceased to deny their (the western emperors') right to the imperial name. The coronation of Charles was in their eyes an act of unholy rebellion; his successors were barbarian intruders, ignorant of the laws and usages of the ancient state. Bryce, 191.

where.[12] This power included control over the worship of images, the canonization of minor gods or saints, the imposition of tithes, etc. On the other hand, we know that as a matter of fact and until the fall of Constantinople, the calendar was regulated and the coinage of gold was strictly monopolized by the Basileus.

In reference to territory, Eginhard says that in the Treaty, (of 803,) the Basileus conceded Istria, Croatia, and Dalmatia. This must be understood to include only the northern and interior portions of these countries, where they border on Hungary; because, in 806, the Greek patrician, Nicetas, commanding a powerful fleet under the Emperor Nicephorus, appeared in the Adriatic Gulf to assume control of the Dalmatian ports, and Pepin, the third son of Charlemagne,[13] probably upon instructions from his father, conceded the authority assumed by the Greeks. As Nicetas, during the negotiation of this claim, remained quietly at anchor in the harbour of Venice, it is also reasonable to conclude that the duke of Dalmatia remained faithful to the Empire. In 807, Pepin made an attempt to overrun the territories of Venice; but although successful on the mainland he was repulsed from the islands by the combined fleets of the Greeks and Venetians; a proof of their alliance, if not of their feudal relation. It is probably safe to assume that the Treaty of 803 left the Greek Empire in possession of Sicily, Calabria, Naples, the eastern shores of the Adriatic, and the Venetian Islands. Beyond these two articles it does not seem practicable at present to rehabilitate the Lost Treaty of Seltz. There can now be discerned only the indistinct outlines of the remaining rights and relations which this treaty affirmed, and these appear to have been somewhat as follows:

I.—The Roman (Greek) empire was the parent of the Frankish empire. The Frankish monarch, whether duke, king, or emperor, whether he paid homage and tribute, or not, was subordinate in rank to the Basileus; at best, a son or younger brother. Something of this sort is to be gleaned from the reluctant lines of Charlemagne's subservient biographer. Says Eginhard: "He, (Charlemagne,) bore very quietly the displeasure of the Roman emperors, who were ex-

[12] No attempt was made by the Latin pontificate to alter either the calendar or the coinage until after the Fall of Constantinople. The earlier alterations of the calendar, though sometimes ascribed to Rome, appear to have been made in Constantinople. This may be due to the fact that after the removal of the capital to Byzantium (afterwards called Constantinople) it took the name of Rome. All the known calendrical alterations are described in the author's "Augustus Cæsar."

[13] Charlemagne had two sons named Pepin; his first and third. See the Index to the present volume.

ceedingly indignant at this assumption of the imperial title, but their anger was overcome by his great affability, sending them frequent embassies, and in his letters to them styling them his brothers." Evidence of the superior rank conceded to the empire of the Basileus also appears in the edicts of Otto II., who styled himself "Greek by birthright, Roman by conquest." Somewhat similar relations had resulted nearly three centuries before, from the wars between the empire and revolted Persia. "Such was the superiority of Chosroes, that whilst he treated the Roman ministers with insolence and contempt, he obtained the most unprecedented honours for his own embassadors at the imperial court. The successor of Cyrus assumed the majesty of the eastern Sun, and graciously permitted *his younger brother*, Justinian, to reign over the West with the pale and reflected splendour of the Moon." (Gibbon, IV, 264.) Indeed, the Perpetual Peace between Chosroes and Justinian, A.D. 533, might in some respects have furnished the model for the Treaty made in 803, between Nicephorus and Charlemagne. To the Basileus, indeed to all Christians, the Roman empire was not only undivided, it was indivisible. Although founded upon earth, its head was in the clouds; its Sacred Emperor, though no longer a god, was the high priest of christendom, and therefore God's vicegerent. If in consequence of the Moslem wars in the East, the Basileus found it expedient to temporarily yield the secular government of the barbarous West, yet he still retained that spiritual dominion over it, which neither time, distance, enemies, nor other obstacles, could invalidate.

II.—The Frankish empire was not independent of the Roman (Greek) empire. This is proved by certain prerogatives which continued to be exercised by the Basileus, both under the laws of his own dominions and of the western empire, for example the granting of the highest titles of nobility, such as exarch, patrician and duke, the jus legationis, the calendar, the coinage of gold, and the regulation of the ratio of value between gold and silver. After the Treaty of Seltz the titles mentioned were always derived from the Basileus; the western princes did not bestow them until after the Fall of Constantinople. The calendar remained with the Basileus. No gold was coined, nor was any ratio permanently fixed by any Christian prince, other than the Basileus, until after this event. These prerogatives belonged to the sacred office of the Basileus, and their continued exercise by that potentate is a proof that his high-priesthood of the Church was acknowledged and conceded in the Treaty of 803. These are circumstances, which, if our views are well founded, afford a

sufficient reason for the suppression of the Treaty, by the Latin See.[14] But although the various evidences adduced in these pages go to prove that under the Treaty, the emperor of the East retained the spiritual dominion of all Christendom, including the West, it is abundantly evident that to the Frankish emperor was conceded the temporal paramountship and subsuzerainty of the latter. This paramountship included the Roman pontificate. Down to Gregory, the popes of Rome had done homage to the Basileus. Leo changed this custom, and did intermediate homage to Charlemagne; and, until they succeeded in subverting and reversing these relations, his successors in the Latin See did homage to the successors of Charlemagne.

III.—From the date of the great Schism, or rather since 755, the Latin See was confessedly a fief of the Frankish empire. This was a position that ill requited the valuable services which the Bishop of Rome had rendered to Pepin and Charlemagne, and ill befitted either the wealth, influence or ambition of the Latin See. Bearing in mind this consideration and the irrepressible instincts derived from its hierarchical origin, it cannot be supposed that this See divested itself of any means by which it might hope to divide the authority of its present suzerain, in order to govern his dominions. Among these means were the education of Charlemagne's sons, and the practice of ecclesiastical imposture. In case of failure, there was the Basileus to fall back upon. The ghostly training of Louis the Pious, the destruction of the Treaty, and the forging of the Decretals, were not the work of a day; and it is difficult to believe that the

[14] There are several reasons for believing that the prerogative of gold was expressly conceded to the Basileus in the Treaty of Seltz. I, The Merovingian princes struck gold until the seventh century, but always under the authority of the Basileus. II, Pepin having no such authority and not being yet prepared to defy the Basileus, struck no gold. III, Charlemagne having acquired both temporal and spiritual power enough to threaten the assertion of independent empire, began to strike gold, but as a matter of fact, when the Treaty of Seltz was ratified, he stopped. IV, Save a single doubtful solidus in the Paris collection, (one ascribed to Louis the Pious,) there are no gold coins of the Frankish or Medieval empire between the reigns of Charlemagne and Louis IX., a period of more than four hundred years. V, Neither Charlemagne nor the bishop of Rome were directly interested in the Oriental trade, at that period of vital importance to the Basileus. VI, The Latin See did not want a Frankish Basileus, but an emperor, subject to some extrinsic limitations of power; in order that it might hope to eventually govern him. These limitations, including the gold coinage, it could afford to concede to the Eastern Basileus. VII, The temporal dominions of the Latin See produced neither gold nor silver. So far as that See is concerned the coinage was therefore purely sacerdotal and political. VIII, As a matter of fact all Christendom continued to accept, circulate and recognize as full legal-tender, the gold coins of Byzantium, down to the thirteenth century.

desperate design which these measures were intended to promote, would ever have been ventured upon, had not the Latin See previously been impelled to concede the spiritual dominion of the Basileus. This concession was adroitly turned to account in the Forged Decretals. These purported to be a donation from Constantine I., to the Bishop of Rome, of both the spiritual and temporal dominion of the western world. But how would this false grant have read, even to the intellectually benumbed Louis, had the Bishop of Rome in the Settlement of 803, and while yet ignorant of the existence of this magnificent Donation, refused to acknowledge the spiritual dominion of Constantine's lawful successor, the Basileus? Indeed, the forgery itself almost proves the case; for had not Charlemagne and the Latin bishop conceded spiritual dominion to the Basileus in the Treaty of 803, no such forgery would have been necessary. It is a work of supererogation to steal one's own property. That Louis the Pious was mere putty in the hands of the Bishop is proved by his consent to be interned in a convent; and there can be little doubt that had it been prepared during his lifetime, and had he been required to do so, he would have signed the Forged Donation itself, and thus made it a genuine one. But the forgery was for other eyes and covered other dominions than his; it was a warrant to resist the spiritual claims of the Basileus, and a chart for the guidance of the western vassals.[15]

[15] Gibbon, chapter XLIX, after warning his readers that the Vatican and Lateran were an arsenal and manufacture of forgeries, assigns the Forged Decretals to a period "before the end of the eighth century," as follows: "This memorable donation was introduced to the world by an epistle of Adrian the first, who exhorts Charlemagne to imitate the liberality and revive the name of the great Constantine." It does not appear to have occurred to the historian that this epistle of Adrian was itself forged, yet that such was the fact seems to have been the opinion of Henault and is certainly that of Bryce, (p. 157,) who assigns the Forged Decretals to a period subsequent to Charlemagne's reign. This view is supported not only by the reasons given elsewhere throughout this work, but also by the consideration that the bishop of Rome had too often and too publicly performed homage to Charlemagne to render it likely that he would have ventured, at least during the lifetime of that doughty hero, to set up such an impudent claim as these Decretals contain; seeing that his mitre and probably also his life would have paid the penalty of his temerity. The Forgery was a decree purporting to have been issued by Constantine I., which conferred upon the Latin See a complete title to the free and perpetual sovereignty of Rome, Italy and the Provinces of the West, the right to sway the sceptre, to wear the purple, and to command the homage due to Cæsar. This imposture, together with some sixty-odd other spurious decretals and canons, was formerly attributed to Bishop Isidore, of Seville, but, as to the decretals in question, such could not be the case, for that voluminous writer died in 636. Whoever forged the decretals they were submitted to, and approved and issued by,

The mutual jealousy of Charlemagne and the Latin bishop, the injunctions of Holy Scripture, and those superstitions of Christianity which they both shared, were of themselves quite enough to prove that at the famous Settlement of 803 entire spiritual domain over the West as well as the East was accorded, at least in theory, by all parties, to the Basileus. When to these general considerations are added the special ones above adduced, the conclusion that such was the case becomes almost irrefragable. With the claim of dominion over the West, which the Latin See asserted by producing the Forged Decretals, and the alternate admission and rejection of that claim by the monarchs who succeeded Charlemagne, commences a new phase in the evolution of the Medieval Empire, in whose constitution, for the sake of brevity and perspicuity, it has been determined to treat its spiritual and temporal powers as merged; the Basileus meanwhile retaining the prerogatives expressly conceded to him in the Settlement of Seltz.

the Council of the Lateran, some time during the tenth or eleventh centuries. By this time the bishopric or pontificate had sufficiently harrassed and stupefied the weak monarchs who succeeded Charlemagne, to prepare a favourable reception for their literary work. For more than a century it passed unquestioned. Doubts were first thrown upon its validity in a private law-suit which sprang up in the early part of the twelfth century, and what the lawyers suspected, a Roman patriot verified. In 1440 Laurentius Valla so effectually drove his pen through it that churchmen themselves tacitly admitted the imposture, and Ariosto, in a poem, (the Orlando XXXIV, 80,) which had obtained the license of Leo X., ventured to find the apocryphal gift of Charlemagne—in the Moon! Yet, as Gibbon tersely observes, the edifice continued to subsist, though the foundations were long since undermined.

CHAPTER XI.

CONSTITUTION OF THE MEDIEVAL EMPIRE.

Lines of the constitution blurred by feudalism and shifted by pontifical encroachment—A clear view only to be obtained by disregarding the operation of these influences—The Worship of Cæsar—Feudal system—Sacred College and pontifex-maximus—Monachism—Canonization and Sanctuaries—Sacred Writings—Succession to the throne—Infallibility—Crimen Majestatis—Inquisition—Excommunication—Right of assemblage—Legislature—Juridical system—Education—Censorial and Consular powers—Revenue and Expenditure—Treasure Trove—Mines—Coinage—Legal-Tender—Lands, wills and conveyances—Titles of nobility—Caste—Slavery—Provinces—Free Cities—Fairs—Right of war, peace and alliance—Trial by jury—Calendar—Foreign ambassadors and the jus legationis—Trade corporations—Navigation laws—Public Notaries—Doctors of Law—Bankers.

THE constitution of the Medieval empire is not to be gathered from the texts preserved by the Vatican. [1] It cannot be too often repeated that the entire stream of history has been corrupted by ecclesiastics, who, so far from being Christians, have violated all the tenets upon which that religion stands. Every modern historian has discovered these corruptions, every one has either boldly or timidly condemned them, and yet there is always a new generation of unread people to whom these discoveries have to be again unfolded

[1] Hence it should not be surprising that the Medieval constitution outlined by Pfeffel, and afterwards by Dr. Robertson, is a mere caricature, bearing no resemblance at all to the original. But it is certainly disheartening to find that the Roman manufacturers of false testimony have succeeded in misleading so critical and recent an historian as Mr. Bryce, where he says, (p. 190,) that "the great mass of the people (of Europe during the twelfth century) knew nothing of the Greeks, not even by name." The historian may have gone further and claimed that the "great mass" of the people knew of nothing whatever beyond the limits of the petty feudal estates to which they were attached; but the "great mass" of those who took any part at all in public affairs, even to the mercenary soldiers who drew their monthly pay in sacred besants, could not have been ignorant of the existence and name of the Greeks. The fact is that the people of the twelfth century had the numismatic monuments of the Basileus continually before their eyes and on the contrary knew nothing of the collection of texts in the Vatican. Mr. Bryce, in studying the texts, has overlooked the coins. Many of these still exist, and they are of a type so peculiar and in numbers so vast, as to defy the arts of forgers. They prove not only that the Greek empire was known to the medieval world, but that in many respects the former held control of the latter.

and these condemnations repeated. The mutilators and forgers having had it all their own way for upwards of twelve centuries, their evil work cannot be undone in a day.

In reconstructing the Medieval constitution it is intended to dispense so far as possible with the evidences which have emanated from or undergone the censorship of the Vatican. It is possible that some of these censored evidences are genuine, but the chances of this are so small, and the number of valid evidences in proportion to the immense arsenal of forged and mutilated ones, is so few and unimportant, that it is deemed far safer to rely upon materials less likely to deceive. The most important of these materials is the substance of the Sacred constitution and the course of its evolution as indicated by archæology.

Before proceeding with this task it is again deemed necessary to remind the reader of the difficulty which arises from the continual operation of feudalization. When this movement began, that is to say, when Julius Cæsar founded the empire, the latter embraced the entire civilized world. When the movement ended, the empire consisted of a wax cheese, which Francis II., who surrendered it to Napoleon, affected to regard as the great seal of Rome. No matter at what epoch it be attempted to photograph such an empire, the image, on account of its continual recession, is sure to be indistinct. As if to increase the perplexity occasioned by this movement, the æra which began with the death of Charlemagne witnessed another. This latter movement was pontifical absorption. It was the attempt of a fief of the western empire to swallow the whole of it. The lord of this fief began by greasing and adoring the person of Charlemagne; he ended by thrusting his foot into the suppliant face of Henry IV. Such encroachments of pontifical power were incessant. Even after the pontificate had seized the entire sovereignty of the western empire, it wanted more. It demanded the little things as well as the great ones; it laid claim to everything in sight; and in all those parts of the western world which had accepted the yoke of the gospel, it seized upon and held possession of the most lucrative offices and functions. Not only did it grasp benefices, fiefs, lands, slaves and tithes; not only did it turn births, baptisms, marriages, churchings, deaths, burials and other institutions and incidents of social and sacramental life into sources of revenue; it succeeded in filling all the municipal offices, from elder down to beadle; it obtained the contracts for public works; it held the fairs; it laid the sewers, swept the streets and undertook to remove garbage, it did all this sometimes under the imperial constitu-

tion and sometimes in defiance of it; it was munificently paid for these municipal works and yet it did them so badly, that the plague was a constant attendant of these dismal ages.

As shown in a previous chapter, these functions had once been lawful prerogatives of the ecclesiastical organization and it could not bring itself to abandon them. During the early empire and so long as the emperor and high-priest were legally and actually one person, the profits which the Church derived from these sources went to fill the coffers and augment the splendour and power of the Cæsars. But when the emperor and high-priest became two different personages, there at once ensued a confusion arising out of these claims and powers, from which it is difficult to extract any order. Moreover, they often stretched across the lines of the feudal system; that is to say, while hierarchical mystery, sanctity, or pride, would have employed them vicariously, hierarchical avidity exercised them directly. To determine whether or not the Church vestries exerted their functions constitutionally, would be a task of extreme difficulty and doubtful utility. [1]

Bearing in mind these two movements, (namely, feudalization and the pontifical absorption of imperial powers, municipal offices and private property,) it is deemed useless to attempt to define the respective claims of the emperor and the pope and far safer to depict the constitution as a whole and irrespective of feudalization and papal encroachment. This view will extend from the period when the Sacred empire was split into halves by the joint efforts of Pepin and Stephen, to that of its practical extinction in 1204. It will be time enough afterwards to indicate the degree of autonomy which Britain, Gaul and the other provinces of the West derived from the feudalizing operation of hierarchical government.

Worship of Cæsar.—The contentions introduced by the "Christian" clergy concerning the nature of the Son of God—whom some argued was a myth, some a spirit, some a body, some that he had existed from eternity, some that he was first created in the reign of Tiberius, some that he was consubstantial with the Father, some that he was

[1] The citizens of those American cities whose municipal works and affairs have been practically subjected to the influence of ecclesiastical organizations, may derive some consolation from the extreme antiquity of the custom. This unwritten feature of certain modern constitutions may be traced through the vestries of the middle ages back to the Sacred empire, the Commonwealth, and perhaps even to archaic Rome and Etruria. Directly or indirectly, lawfully or surreptitiously, the pontifex-maximus, whether pagan or Christian, has enjoyed the profits of the streets and sewers for upwards of two thousand five hundred years.

of the same substance, some that he was of like substance, some that he was of unlike substance, some that he was of no substance and so on through an endless variety of theories—these contentions enraged Constantine, wearied and divided his sons, (when they succeeded to the empire,) and prompted Julian to seek repose from them by officially restoring the worn-out religion of Sun-worship. His apostacy from "christianity" seems to have been especially prompted by the strife which he believed the Christian clergy had stirred up between his cousins, Constantine, Constans, and Constantius, a curious testimony concerning which is supplied by Theodoret, in the dialogue between the latter and Liberius, a bishop of Rome, who came before the emperor to plead for the recall of Athanasius.

The Emperor Constantius: "What proportion of the world do you Christians constitute that you would break its peace in order to reinstate one solitary man" (meaning Athanasius)?

Liberius: "O, Lord, it is a thing hitherto unheard of that a judge should accuse the absent of impiety, as though he were an enemy."

The Emperor: "All men have been injured by him, but none so deeply as I. Not content with occasioning the death of my eldest brother, (Constantine II.,) he (Athanasius) endeavoured to excite Constans, of sacred memory, against me, and had not his aims been frustrated by my self-restraint, he would have succeeded in provoking a bloody contest between us."[3]

Not only was the nature of the Son the cause of dispute, so was that of the Mother, and even that of the Holy Ghost.[4] Some contended that Mary was not the Mother of the Saviour; some that she remained a virgin after bearing James;[5] some that she continued to be a virgin after she married Cleopas or Alpheus; and so on, ad infinitum. One of the numerous contentions concerning the Holy Ghost is thus described by Sozomen:

[3] Although Constantine presided at the council of Nicæa, in Galatia, where the Catholic creed is said to have been formulated, his own views on the subject of religion appear to have been unsettled and variable. Among his immediate successors, Constantine II., Constantius and Valens were Arians; Constans and Valentinian were Catholics; Julian, at first an Arian, afterwards became a pagan; while Gallus, his brother, whom Constantius had appointed as Cæsar of the Asian provinces, was a Catholic; so at least claims Theodoret, II, 15; III, 1, 3. But as Constantine, Constantius, Julian and Gallus all died suddenly, it may not be safe to rely upon the statements of the ecclesiastical historian.

[4] Macedonius, bishop of Constantinople, "began to teach that the Son is God and that he is in all respects and in substance like unto the Father. But he affirmed that the Holy Ghost was inferior in dignity and designated him a minister and a Servant." Sozomen, IV, 27.

[5] Mark, VI, 3.

"A question was renewed at this juncture which had previously excited much inquiry, namely, whether the Holy Ghost is or is not to be considered consubstantial with the Father and Son. Lengthened disputes ensued on this subject, similar to those concerning the nature of God, the Word. Those who asserted that the Son is dissimilar from the Father, and those who insisted that he is similar in substance to the Father, came to one common opinion concerning the Holy Ghost, for both parties maintain that the Holy Ghost differs in substance from the other two persons of the Trinity and that he is but the minister and the third person of the Trinity in point of dignity and precedence. Those, on the contrary, who believed that the Son is consubstantial with the Father, believed also that the Holy Ghost is consubstantial with the Father and the Son. This doctrine is jealously maintained in Syria by Appolinarius, Bishop of Laodicea, in Egypt by Athanasius the Bishop of Alexandria, and in Cappadocia and in Pontus, by Basil and Gregory. The bishops of Rome on hearing that this dispute was conducted with great acrimony, and that the contention seemed daily to increase, wrote to the eastern churches urging them to accept the doctrine adopted by the western ones, namely—that the three persons of the Trinity are of the same substance and of equal dignity."[6]

In refusing to confer the privilege of monopoly upon the doctrines, ceremonies and rites which constituted the Christianity of this period —in other words, in extending toleration to all other religions— Julian deferred to the wishes of classes who were still powerful.[7] While the intellectual portion of the Roman world were disgusted with emperor-worship and indifferent to astralism, the ignorant masses, unable to comprehend the explanations of the nascent and dissentient Christian church, shrank from its moral interpretations, and willingly clung to such familiar wrecks of the old pagan re-

[6] Sozomen, Ecclesiastical History, VI, 22.

[7] The Jews, even during their hierarchy, were never divided into more than a few sects of religious belief, while the Greeks and Romans, like their predecessors, the Buddhists and Brahmins, were divided into several hundred. Hieun Tsing, a Chinese missionary, whose travels in India, A. D. 642, are translated by the Rev. Dr. Beal, says that in Mid India alone there were ninety-six heretical sects and that they were continually at variance. Beal, I, xlviii and 80. The Christian philospher, Themistius, pronounced an oration in his (the emperor Valens') presence, in which he took occasion to show that the diversity of opinion existing concerning ecclesiastical doctrines ought not to be regarded with surprise, insomuch as still greater diversity of opinion, leading to perpetual disputes and contentions, was prevalent among the Roman pagans. Sozomen, Ecclesiastical History, VI, 36.

ligions as were permitted to float upon the turbulence of the period.

"The inhabitants of Cysicus sent an embassy to the emperor, especially to entreat the restoration of the pagan temples." This city was famous for its worship of Maia. Indeed, this and the related worship of Dion-Issus, or Bacchus, constituted the prevailing creed of the whole of Gallo-Græcia. The Jews of Syria had long rendered themselves detested by worshipping a deity whom they pretended was incorporeal, and could not be embodied in statues or painting. The Egyptians had an entire pantheon of painted divinities. The Goths and Saxons clung to Woden and Thor. The Gauls had their Hesus and Vulcan; whilst in the metropolitan cities of Constantinople, Alexandria and Rome, all these religions came together, and over the dead body of emperor-worship and an expiring astralism, clamoured and competed for the control of its vast possessions, its valuable privileges and its rich livings

What would have been religious freedom in a republic, was religious anarchy in an empire, and heresy in an hierarchy. It was this anarchy or heresy that Julian sought to repress; but his conservatism was behind the age. Evolution never goes backward. The "Christian" populations of the metropolitan cities were now so considerable, so influential and so zealous, that the attempt to check the development of their religion only invoked their more active hostility. Christians had long occupied many of the temples of worship, they filled the municipal offices and had held many of the imperial ones. Both the commanders and soldiers of the legions recruited and stationed in Italy and the eastern provinces consisted largely of Christians, that is, if one may use this term to include all those who were so-called and who were opposed to emperor and Sun-worship. This simple and all-embracing sort of christianity had even enjoyed a sporadic growth in distant Gaul, in whose metropolitan city of Treves the exiled Athanasius had once found congenial asylum.[8]

Had this expansion of the new religion encountered the hostility of a creed and measures similar to those which were afterwards proclaimed by Mahomet, it is possible that christianity might have been temporarily subverted in Italy and Greece, as afterwards it was in Egypt and Anatolia. But Julian attempted to associate christianity with a worn-out idolatry. He treated the votaries and preachers of christianity with a degree of indulgence which the Christian writers themselves could only account for on the score of divine interposition. With equal indulgence he permitted polytheism and idolatry.

[8] Sozomen, v, 15, et passim.

He exhorted the people of Pescinus to pray to the Mother of God;[9] he patronized the Jews; he tolerated the rites of Woden; he encouraged Sun-worship; he wrote a treatise to defend the Unity of the deity; and yet he demanded to be worshipped as a god himself. He ordered the crucifixes of the Nile to be removed from the Christian churches, and redeposited in the temple of Serapis, or Jupiter Ammon; [10] he placed the pictures of the ancient gods in juxtaposition with his own; he demanded that homage should be paid to the pictures and images of himself; [11] and to crown this long list of indulgences, contradictions and impieties, he caused a bronze group at Cæsaria Philippa, which according to the ecclesiastical writers represented Jesus and a woman, to be taken down, and a statue of himself to be erected upon its site and worshipped; thus restoring to this place the impious religion of the Cæsars. [12] But it was too late. The Roman world had endured four centuries of this degrading cult and had cast it out forever. Whether Julian was removed, as the pagans charge, by a Christian assassin, or as the Christians claimed, by the hand of Providence, is of no consequence in this connection. [13] Under no circumstances could Julian or any other emperor of this period have restored the played-out adoration of the Cæsars. Before him, Constantine, and after him, Valentinian, and even Theodosius, coquetted with this syren of Self-Worship; yet Theodosius became so convinced of the utter hopelessness of the Cause that, being a practical politician, he turned quite round, and adopted such drastic

[9] See his letter to Arsacius, the pagan bishop of Galatia, in Sozomen, v, 16.

[10] The crucifixes of the Nile were a series of wooden crosses erected at intervals along the river banks, the transverse beams of the crosses serving to mark the height of the normal inundation upon which the welfare and even safety of the country so vitally depended. When the water rose high enough to submerge the beam, all danger of famine was averted, and long before the æra of christianity it was the custom of the grateful peasants, upon the subsidence of the flood, to deposit the crucifixes in their favorite temples. A similar custom relates to the river Ganges and to still more ancient times. This and the custom of building the most ancient Hindu temples in the form of a cross are described by Higgins, Taylor, Hislop and other authors. Both the crosses which were used to mark the floods of the Nile and another pagan custom of crosses, are mentioned in the "Octavius" of Minucius Felix, written about A. D. 270, (ed. Cantab., 1712, p. 800,) and by the Rev. Dr. Reeves in his "Apologies of the Fathers," I, 139. A crucifix of this sort held in the left hand of the goddess was found in the temple of Isis in Pompeii. Sir William Hamilton, p. 17. In fact, the use of the crucifix as a symbol of immortality is as old as Buddhism.

[11] Sozomen, v, 17.

[12] Sozomen, v, 21; Eusebius, vii, 18.

[13] "Libanius clearly states that the emperor fell by the hand of a Christian; and this probably was the truth . . . All men concur in receiving the account which proves his death to have been the result of divine wrath." Sozomen, vi, 2.

measures of repression against it, that it never permanently reared its head again in either Rome, Alexandria, or Constantinople. [14]

But the case was far different in the provinces. There emperor-worship lingered for more than two centuries longer. Many allusions to it are contained in the works of the Christian fathers of the fifth, sixth and seventh centuries. Islam with its thundering proclamations of an Incorporeal and Unital deity and its sweeping interdict of images, paintings and effigies, was a pointed protest against emperor-worship; not, as is commonly supposed, against christianity. This is proved by the fact that the Koran preserves many of the Christian mysteries, [15] but not one of those which owes its origin to the hero and emperor-worship of the Greeks or Romans. Indeed, had there previously existed no emperor-worship in the eastern provinces of Rome, the religion of Mahomet would probably have converted nobody except his wives. Yet even in the provinces and long before the advent of Mahomet, emperor-worship had disgusted the better class of citizens and these had fallen back for a religious belief upon astralism and the old anthropomorphic polytheism. The provincial altars of the fourth and fifth centuries were reared mainly to Mithra or to Jupiter, Mars, Maia, Bacchus, Neptune or the other divinities of polytheism; few were erected to the emperors; and none to Jesus Christ. [16]

The Infallibility of the sovereign-pontiff and his superiority to law had lost its former force, not merely because the emperor was no longer a god, nor the descendant nor successor of a god, but also because the feudal system, which imposed services upon inferiors, also created obligations on the part of superiors. Under the constitutions of Julius and Augustus the emperor had every right, but no duties; and the feudal system of that early age, though it exhibited a rapid development in other respects, was as yet distant from the matured principle of suzerainty. The moment the emperors surrendered their pontifical character, and ceased to be infallible, the obligation to protect their vassals (together with other obligations) came into play, and the union of this obligation with the already existing features of the Sacred constitution resulted in the medieval phase of feudalism. The cessation of imperial infallibility began with Tiberius, who, protesting himself a man, refused to be worshipped as a god; but it was

[14] See *ante*.

[15] The term "Christian mysteries" is frequently used by Sozomen and other early ecclesiastical writers.

[16] Even could the bronze group of Cæsaria Philippa be verified, the exception would establish a rule.

not completely ended till Theodosius, clearly perceiving the inability of astralism to serve the state, proclaimed the divinity of the Lord Jesus Christ, and dealt a fatal blow both to the moribund and impious worship established by Julius Cæsar and the Mithraism, Bacchism and Manichæism which succeeded it.

Under the original constitution of the Sacred empire the reigning Cæsar was god, emperor and high-priest, all in one; under the same constitution, as modified during the first and second centuries, he was high-priest and emperor in præsentia, and a god or saint in futuro. Upon the adoption of christianity by the state, the emperor lost his pontifical character but remained the suzerain and superior of the chief-pontiff, whose appointment and removal were subject to his control. When the Latin See revolted from the empire, the Basileus lost half of his dominions, but his constitutional powers and attributes with regard to the East and some of those relating to the West, remained unchanged. In the west Charlemagne attempted to assume precisely the same attitude toward the See of Latium that the Basileus preserved toward that of Constantinople; the bishop of Rome was his vassal, subject both to his appointment and removal. But, unlike the more tractable priesthood of the Oriental provinces, the sacerdotal classes of Gaul, Etruria and Latium had been so long accustomed to govern sovereigns, that they found it impossible to obey them, and even before the indomitable Charlemagne had passed away, the Latin See had made its preparations to overthrow his empire and rule in his place. After his death all ecclesiastical authority and prerogatives in western christendom, except such as had been reserved to the Basileus in the Treaty of Seltz, fell practically into the hands of the Latin See. To put it briefly, in the Eastern empire the Basileus rapidly regained control of such sacerdotal powers as Theodosius had surrendered to Siricius; while in the Western empire the emperor continually lost his advantage.

Feudal system. We are not here concerned with the development of the feudal system under the Medieval constitution, further than to mark its synchronism with the growth of the hierarchical system. It attained the full extent of this development almost at the same time that the haughty claims of the Latin See reached their summit of impudence. Between the date when feudalism received its first blow and the hierarchy its first check, there elapsed less than half a century of time. In 1037 Conrad forbade the feudal lords of Lombardy to alienate the fief of a vassal without such vassal's consent; in 1080 Henry degraded that same Gregory whose pardon he had begged and

whose feet he had kissed, five years before. Gibbon has noticed that feudalism was strengthened by the papacy; [17] what he omitted to record in the same place is that it was also weakened by the papacy; in short, that feudalism was an hierarchical product which rose and fell with its source. So likewise Bryce has noticed that knighthood and priesthood were organized alike. [18] What this accomplished writer has omitted to notice is that they sprang from the same fountain and are now emptying into the same sea.

The Sacred College and Pontifex Maximus. Though the Treaty of Seltz probably recognized or asserted its indivisibility, the Sacred College was now practically separated into two organizations, one at Constantinople, the other at Rome, the former presided over by the Basileus, the latter by the bishop, now commonly called the pope, of Rome; [19] and both practically exercising the office of pontifex-maximus within the domain of their respective churches. The rejection of the patriarch Photius by Pope Nicholas in 858 probably attests the destruction at that date of the Treaty of Seltz; while the excommunication of the latter by the former in 867 marks the practical fact of separation. The two Sacred Colleges were similarly organized, and although they did not legally possess, they exercised, or controlled, similar powers, functions and relations.

So long as the Roman hierarchy was governed by monarchs who united in themselves the dual functions of sovereign and high-priest, no religious disputes, no heresies, no dissonances of doctrine, were permitted to vex the public mind. Non-conformists were promptly seized, tried, condemned, and banished, or executed. The Sacred officers whose duty it was to discover and accuse all who doubted the infallibility of the Sacred emperor were called inquisitores, and the tribunal which tried them, an inquisitione. [20] In 353 Constantius, "Christian" emperor of the East, interdicted all heretical rites, under the draconic penalty of death. In the following generation Theodosius, the "Christian" emperor of the West, appointed inquisitors to examine and punish the Manichæans; and he applied to all non-conformists the fell penalties of treason or crimen majestatis. One of

[17] "Decline and Fall," v, 163 (chap. xlix). Mr. Bryce makes a similar observation. The erroneous notion that the papacy opposed feudalism is refuted elsewhere in the present work.

[18] "Holy Roman Empire," 251.

[19] The title pope, from the Greek word papa, signifying a father, was the common name of all bishops until Gregory VII., at a council held at Rome, in 1076, ordered the title to be restricted to the bishop of Rome. Townsend, Manual of Dates, p. 768.

[20] Cic. Verr., II, 4; Pliny, VIII, 40; Tacitus, Annals, XV, 66; Suetonius, Cæs., I; Pliny, Ep., III, 9. 29.

the first fruits of this pious measure was the miraculous conversion of St. Augustine. In 398 Honorius issued a similar edict against the Montanists, Eunomians and other heretics, while the Code of Justinian is replete with provisions which, because they subsequently reappeared in the papal bulls of the thirteenth century, have induced some writers to place a comparatively modern date upon an institution which was really founded by the divine Julius Cæsar.

After the emperors of Rome relinquished the high-priesthood they retained the right to appoint the high-priest, and this right was exercised by every emperor of united Rome and afterwards by every emperor of the Eastern and Western empires, from Theodosius to Charlemagne inclusive. The right of the emperor to appoint the high-priest was never questioned until after the death of Charlemagne, the destruction of the Treaty of Seltz, and the appearance of the Forged Decretals. After that time, whilst the Eastern emperors continued to appoint their own high-priest or patriarch, the Western pontifex-maximus was elected by the Sacred College, which had practically become independent. Once elected, he commonly needed no further confirmation of his power. This, however, depended upon the varied fortunes of the Guelph and Ghibelline wars.

Monachism, Canonization and Sanctuaries. The origin of these institutes in the hierarchy established by Julius and Augustus and their development during the period when christianity supplanted the previous worships of Rome, have been sufficiently traced elsewhere in this work. Monks and conventual sanctuaries of pre-Christian date are frequently mentioned in the Buddhist records and by the early ecclesiastical writers. Sozomen gives a long account of those which flourished during and after the reign of Constantine. The emperor Theodosius refused to give battle without consulting a soothsayer, the holy monk of Lycopolis. Many of the monks were outlaws and refugees from justice, who fled to the Desert, to escape the punishment of their crimes. Sozomen says that Macarius, the Younger, the priest of Cellia, who dwelt in the desert of Scetis, had been a shepherd near Lake Mareotis, where a "murder which he (unintentionally) committed, was the original cause of his embracing a life of philosophy." Eulogius, the presbyter, who had charge of the place, made it a rule to exclude from the altar those who had committed crimes. But though excluded from officiating at the altar, it is not related that any such person, when prepared to pay for his accommodation, was driven out of the monastery. On the contrary, we are assured that shelter was given to Moses, a fugitive slave, who after

becoming the leader of a band of thieves "embraced a life of asceticism and attained the highest point of philosophical perfection." This is proved by his being chosen presbyter over the monks of Scetis. Evagrius, a scapegrace, who, during the reign of Theodosius, held an archdeaconship at Constantinople, and was banished that city for committing a crime, fled to the same convenient sanctuary and was admitted. [21]

It is to persons of this description, those whose monastic penances formed their atonement for crime, that have sometimes been attributed the destruction of historical documents, the forgeries of other writings and the endless ecclesiastical frauds and impostures which have been detected in the polluted stream of medieval history. But as such persons never could have formed the majority of any large community and as the work of destruction and perversion included the demolition of temples, the defacement of statues, the forgery of coins, the fabrication of false relics, and the invention of miracles, we must suppose many of these offences to have been committed by otherwise perfectly virtuous men. These persons probably believed that they knew all about those eternal mysteries, the origin of Matter and the nature of God, and deemed themselves justified in destroying, corrupting, or defacing everything that did not agree with their conceited conclusions on these subjects. Modern christianity, influenced by the civil law, often punishes this class of zealots with the straight-jacket and the reformatory; whilst miracles, under similar discouragement, have almost totally disappeared; but no one can read Eusebius, Socrates, Theodoret, or Sozomen, without being convinced that there was a time when the so-called Christian world regarded those who committed such impostures, even to the Stylites, Grasseaters, and Worm-breeders, with both respect and veneration.

If modern philosophy permits us to entertain with complacency the theory that men and monkeys descend from common ancestors, and these from still lower animals, surely it need awaken no honest indignation to be told that man's now dominant religion once tolerated such impostures and impostors. The theory of Evolution may humiliate us with the mortifying conviction of a lowly and obscure origin; on the other hand, it cannot fail to gratify us with the consciousness of the nobler characteristics which have been already acquired and the yet nobler ones which are within reach of our race.

The progress of monachism during the medieval ages is too familiar a subject to need any further enlargement in this work. As an insti-

[21] Sozomen, VI, 28, 30.

tution of law it rose and fell with the hierarchy; as one of religion it has long since cast off its rough envelope and ascended to that higher plane upon which all religions and religious orders and observances have stood since the Reformation. The period when monasteries were first employed as tombs for royal heirs or kings, whom it was desirable to suppress or sweep away, but impolitic to assassinate, is not readily determined. No evidence of the practice appears previous to the secession of Rome from the Eastern empire in the seventh century. After the period of confusion which succeeded the death of Charlemagne, the destruction of the Frankish and the erection of the Medieval empire, it gave way to the more certain agency of private wars. A list of some of the royal victims interned in monasteries during the medieval age appears in an Appendix (E).

Sacred Writings. Mention has already been made of the Sibylline gospels, the several revisions they underwent during the early empire, and the frequent and reverential mention of them which was made by the Christian fathers. Eusebius, who is assigned to the fourth, and Sozomen, to the fifth century, seem to be the latest of the ecclesiastic writers who deferred to the authority of these gospels; but the tone, though still respectful, is no longer reverential.[22] If they echo the views of the period, it indicates that these gospels had lost caste. Their decline as inspired works probably dates from the reign of Constantine. Substitutes for the Sibylline gospels were found in the writings of Virgil, in the spurious charter of St. Peter, and in the numerous other pretended communications from heaven which were employed in the interest of church or state during the dark and medieval ages. Many of these impostures served their purpose so long and so effectually that they deserve collectively to be included in the fundamental laws of the empire.

Succession to the Throne. As we are now describing a double-headed empire which at times was governed by an emperor, at others by a pope, and at still other times by both, this article should properly mention the manner of choosing both of these magistrates. But as the manner of the papal succession is well known, it is only necessary to allude to that of the emperor. The original rule of succession was by sacerdotal choice, as when the high-priest Julius appointed Octavius (Augustus) to succeed the emperor Julius.

[22] Eusebius, Life of Constantine; and Sozomen, Ecc. History, I, I, and II, I. The work of Sozomen is but a fragment; and even this is commonly admitted to have been much altered and mutilated.

After Nero, the last of the Julian line, the succession seems to have practically fallen to the choice of the proconsuls. With the ever-increasing isolation of the provinces, it subsequently fell to the prætorian guards. Upon the disbandment of these functionaries, the sacerdotal principle reasserted itself and was observed by the Sacred emperors—not, however, without exception—down to the close of the Eastern empire. That they commonly appointed their own sons to succeed them does not bespeak an abandonment of the principle. In the West an entirely different state of affairs existed, and a different rule prevailed. Here (unlike the East) the imperial and sacerdotal offices were invested in different persons, who dwelt far apart, the one residing, say, at Aix-la-Chapelle, the other at Rome; the former as supreme suzerain, the latter as vassal. So long as the high priesthood remained in this dependent position, as it did during the Carlovingian and substantially during the Saxon dynasties, the imperial rule of succession seems to have been hereditary.[23] Such was also the case during the subsequent dynasties, down to the period of the Guelph and Ghibelline contest, when, during a temporary ascendency of the pontificate over the imperial office, the imperial succession was regulated by an apparently provincial but really ecclesiastical College of Electors, organized and controlled at Rome. In this college, Germany, Gaul, (including Burgundy and Britain,) and Italy were represented by prelates; whilst Bohemia, Saxony, Brandenburg and the Palatinate voted by their respective rulers.[24] These were a king, a duke, a count and a marquis, thus apparently representing the four orders of nobility, but in reality representing none of them. The artificiality of this arrangement of itself betrays the ecclesiastical organization and control of the college. However, this is shown by other evidences.

Dr. Robertson,[25] after branding as a forgery the supposed edict of Otto III., which pretended to vest the right of choosing the emperor in the Seven Electors, and after showing that the earliest genuine allusion to them occurs in Martinus Polonus, tempo Frederick II., falls into a trap cunningly prepared by Onuphrius Panvinius, an Augustine monk of Verona, of the sixteenth century. Onuphrius

[23] We say "seems to have been," because for all that is known to the contrary, the succession to the Western imperial throne may have been subject under the Treaty of Seltz to the nomination or approval of the Basileus.

[24] Robertson says that "the three archbishops were chancellors of the three great districts into which the empire was anciently divided." These chancellorships embraced the entire Western empire. There was no Lord Chancellor of England until after the fall of the Basileus.

[25] "Charles V.," Note XLII.

taught that the imperial right of succession was determined by prætaxation. He pretended that this was an ancient German mode of election, in which the chieftains voted first and the people afterwards, either to confirm or reject. Omitting the last part of this ceremony, we have the mode of succession adopted by the Seven Electors, which Dr. Robertson was thus led to believe had been derived from the barbarians. Unfortunately for the credit of his ingenious theory, Onuphrius did not explain why the Germans for centuries had forgotten all about prætaxation until the Basileus of the East was overthrown, nor how they succeeded in suddenly inducing all the nations of Christendom to accept it. Nor did he explain why the prætaxation of the Seven Electors so fatally (for the truth of his pretension) resembled the Roman proconsular mode of electing the emperor; nor did he adduce those provisions of the lost Treaty of Seltz, which probably covered the subject, and if so would have furnished the best evidence concerning the disputed rule of succession. The presence of crowds of people at the coronation, who shouted approval of the election, a point strongly urged by Dr. Robertson, proves nothing. The sixty thousand mercenaries who "boomed" Lothaire II. no more cast the vote of the Roman "people" than the claque whom Charlemagne hired at St. Peter's, or the subsidized rabble that Julius Cæsar employed at the Lupercal. Indeed there was no Roman "people" at any of these dates. Cæsar had crushed them to pieces, converted the commonwealth into an hierarchy and sent it adrift, pointing to feudalism and ruin. When, to quote Dr. Robertson's phrase, Lothaire's "nomination was approved by the people," there was no "people" at all; only a nation of slaves. The ascription of the elective principle in the Medieval constitution to the aborigines of Germany, is as far-fetched as it would be to trace the mode of electing the American President to some obscure custom of the Choctaws. Between the Choctaws and the President there intervened many centuries of Anglo-Saxon civilization and liberty; between the Germania of Tacitus and the Seven Electors stood a millennium of Roman history.

Infallibility; Crimen Majestatis; Inquisition; Excommunication. The hierarchical origin of these institutes and their rise and fall and revival under the various constitutions of Rome down to the dark ages, have been briefly treated in a previous chapter. Their retention in the Medieval constitution affords additional proofs, were any wanting, of the identity of that government with the empire erected by Julius Cæsar.

Right of Assemblage. This right of the Roman citizen, which perished with the rise of the empire, revived when it fell. It is the right which, more than any other, distinguishes a free people from a nation of slaves. Its revival constitutes one of the most significant steps in the march of free institutions.

Legislature; Juridical System; Education. The legislative and juridical system of Rome has also been sufficiently sketched. With the establishment of the hierarchy all the institutes of freedom began to perish, and in the course of a few centuries they became extinct. The Comitia and the jury system were among the first to succumb. Between the reigns of Tiberius and Diocletian the senate almost continually declined, and with the establishment of the Christian code of Justinian, it went out of existence altogether. Speaking broadly, there was in the Medieval empire no such thing as legislation. The decrees of the Sacred College constituted the law, and this it entrusted for execution to its own vast army of priests, monks and clerks. Within the limits of this jurisdiction a certain degree of license was permitted to the kings, dukes and counts of the various fiefs into which western christendom was split, and under this license these princes had each his own petty court, courtiers, paladins and privy council, and, like Sancho Panza in his island, filled out their brief hour with a play of legislation and justice, until the resistless power that permitted these mockeries, chose to stop them and let fall the curtain. The "properties" of the feudal councils and courts of justice were the canon-law, its gloomy inquisitors and compurgators, the burning ploughshare, the stigmata, the sweating image, and the other sacred relics, some of which, so long-lived are ignorance and idolatry, survive to the present day and defy the civil law against imposture. As for education, it followed the same downward course. One by one all the stars of ancient knowledge were blotted out by forgery and fraud. From the eighth to the thirteenth century those Christian students, whose yearning for truth would not rest satisfied with the perusal of monkish fables, went to the Moslem university of Cordova, there to eagerly drink in some furtive draught of ancient learning. There was no such thing as a Christian university until the reign of Frederick II. Those of an earlier date were merely ecclesiastical schools. [26]

Censorial and Consular Powers. The ancient consular office was abolished by Justinian, but the censorial office, though feudalized,

[26] Such was Mr. Gladstone's recent utterance on the subject; but he cautiously kept out of view the reason why there were no universities before that time.

still remained. This included the power to conscript citizens for military service, to assess property for taxation, to construct and repair public works, and to guard public morals, by crushing literature, art and the drama. These last functions had been appropriated by the church, while the former had been resigned, with certain important limitations, to the provincial commanders, whether dukes, counts, or kings. [27]

Robertson justly claims to have produced the clearest proofs that the barbarian leaders "had the command of soldiers or companions who followed their standard from choice, not by constraint." [28] In other words, he argues, that the barbarians' laws conferred no power upon the barbarian kings to compel military service. We must, therefore, conclude that when such kings did enforce military service they did not exercise their prerogative as barbarian kings, for it is expressly affirmed that they possessed no such prerogative, but that they exercised the censorial prerogative of Roman proconsuls, which dignity, it will be found, they always held, as in the instances of Clovis, Pepin and Charlemagne. It never seems to have occurred to the historian that if the barbarian kings had no power, derived from their own institutes, to enforce military service, they therefore had none to impose a feudal tenure upon lands, and that consequently this system must have arisen from some other source than the barbarian laws and customs. Such conclusion must inevitably force itself upon the mind. But of this subject, enough has been said already. Returning to the consideration of the powers exercised by certain barbarian princes and as to whether they were barbarian or Roman powers, Dr. Robertson will be detained for a moment to give testimony as to some other matters in this connection. He says that "ecclesiastics never submitted, during any period of the middle ages, to the laws contained in the codes of the barbarian nations, but were governed entirely by the Roman law. . . . When any person entered into holy orders it was usual for him to renounce the code of laws to which he had been formerly subject and to declare that he now submitted to the Roman law." He gives several instances of such renunciation

[27] Sozomen, VI, 37, says that the emperor Valens "accepted gold from the cities and villages under his dominion instead of the usual complement of men for the military service," but he does not say that such commutation was usual, nor that it was levied by the imperial rather than the provincial authorities. It was probably nothing more than the exaction and remission to the emperor of the penalties for neglect to perform military service to the province. Some examples relating to this practice by Clovis and other provincial kings appear elsewhere in the present work.

[28] Robertson, Notes VI and XXXVIII.

and adoption, together with the exact words employed in the ceremony. [29]

We are now prepared to consider the acts of Clovis and Charlemagne. In the last year of his reign, 511, Clovis presided at the council of Orleans, where he forbade the bishops to admit any freedmen to ecclesiastical functions, because he might need their military service. [30] If, as Dr. Robertson testifies, "ecclesiastics never submitted during any period of the middle ages to the laws contained in the code of the barbarian nations, but were governed entirely by the Roman law," it follows that Clovis, in this ordinance, which was promulgated in and adopted by a council consisting of churchmen, exercised not a barbarian, but a Roman, prerogative; in short, a prerogative of the censorial office. In 807 Charlemagne ordered that every freedman who possessed five mansi (about sixty acres) of land, should be liable to military service. Another capitulary of the same prince forbade freedmen from undertaking ecclesiastical functions. "For we are informed" (says Charlemagne) "that this is practiced, not so much out of devotion, as to escape military service." Infraction of this ordinance was punishable by a fine "according to the law of the Franks." This expression has led M. Guizot to suppose that there was an aboriginal Frankish law which compelled military service; whereas Dr. Robertson has clearly shown that no such law could have existed. Charlemagne probably referred to the ordinance of 511, or to some further ordinance passed in pursuance of that one. As already seen, this ordinance was simply an exercise of the Roman censorial prerogative.

In a field or camp a military commander may make the law; in cities or councils public necessity demands that he shall obey it. There is no warrant for supposing that in this matter Charlemagne did not obey the law or pursue legal methods in seeking to change or modify it. In assuming the imperial diadem and undertaking the government of the Western world, he was doubly bound to obey the Roman law; first, because whatever strength he derived from the rehabilitation of the Western empire would have been lost had he begun by ignoring or violating its laws, and second, because those laws were already in force, as well in the Frankish dominions as elsewhere, throughout the West. Among them was the censorial prerogative, which from the ancient emperors of Rome had descended vicariously to their Frankish and other barbarian vassals, whose combined rights Pepin had conquered with the sword and Charlemagne was now endeavouring.

[29] Robertson, Note XXIV. [30] Guizot, II, 32.

though in vain, to place beyond the reach of the church. We shall yet see both the assessment and enlistment prerogatives of the Censor grasped by the pontificate. We shall also see the latter, when its hands were full of power and riches, compelled, through its own excessive greed, to drop them all.

Revenue and Expenditure. When the Medieval empire was founded, the process of feudalization had already developed so far that the general revenues received into the ærarium had become inconsiderable. Those derived from regalian rights, such as the coinage of silver, the mines, the profits of Jewry, customs and tolls, still remained; but as the feudalizing process continued they, too, were gradually wrested from the empire or granted or sold by the emperors to the powerful feudatories generated by the hierarchical nature of their own government. Says Mr. Bryce, "even the advowsons of churches had been sold or mortgaged and the imperial treasury depended mainly on an inglorious traffic in honours and exemptions."[31] Things were so bad under Rudolph that the Electors refused to make his son Albert a king of the Romans, declaring that while Rudolph lived, the public revenue, which with difficulty supported one monarch, could much less maintain two. Sigismund informed the Diet that he, who had been chosen from among all the princes of Germany, would submit to no impairment of his sovereignty or restriction of his powers; for as he had no means to depend upon beside his patrimony, his condition would be reduced to that of a lackey, rather than an emperor.[32] Patritius, secretary of Frederick III., declared that the revenues of the empire in his time scarcely covered the expense of its ambassadors. Mr. Bryce adds the following note, by way of explanation: "At Rupert's death, under whom the mischief had increased greatly, there were, we are told, many bishops better off than the emperor."[33] The same thing may have been said of many secular lords. This result was due, not so much to ecclesiastical rapacity, as to the feudalizing process, which is the result of ecclesiastic government. Our author regards the crown lands as the chief source of the imperial revenues; but as these were the patrimony of the emperors and descended not to their official successors but to their personal heirs, whether the latter were elevated to the imperial throne or not,

[31] These advowsons were the patronage of ecclesiastical benefices and livings claimed by or reserved to the emperor.

[32] "Nihil esse imperio spoliatus nihil egentius odio ut qui sibi ex Germaniæ principibus seccessurus esset qui præter patrimonium nihil aluid habuent apud eum non imperium sed potius servitium sit futurum." [33] Dr. Henry makes a similar remark.

they have not been included in the present summary of revenues.

The bulk of the revenues consisted of the rents of farms, the talliages of boroughs, benevolences, oblata, aids, indicta, customs, consuetudo, tolls, and numerous smaller fines and profits, such as escheats, reliefs, wardships, princely marriages, knights' fees, etc., of which Madox has furnished the clearest accounts, and Stevens and Sinclair the most comprehensive histories. These revenues were collected mainly by the feudal nobility; and to such a length did their exactions proceed that, in 1391, the Count of Utrecht demanded a tax from the owners of windmills, on the ground that he was lord of the winds. This demand was disputed by the Bishop of Utrecht on the basis that Jesus Christ was lord of the winds, and that therefore the tax belonged to the church. We are not informed how the unseemly contest ended. In 1394 the city of Haarlem paid windmill taxes to Albert, count palatine.[34]

We have seen no comprehensive account of the fisc under Pepin, Charlemagne and their immediate successors; but it is evident from the concern which these monarchs evinced upon the subject that they were anxious to bring the system under more thorough imperial control. Some time between the reigns of Vespasian and Constantine and also during a period subsequent to Constantine the ecclesiastical tithes collected in each diocese were divided into four parts and devoted equally to the bishops, the inferior clergy, the poor, and public worship.[35] During the last half of the fifth century this equitable arrangement appears to have been abrogated through the influence of the church, for it is not mentioned by either Ambrose or Chrysostom. However, it seems to have been revived by Justinian[36] and again abrogated when the sceptre of the empire fell into weaker hands. One of the institutes of Charlemagne provides for the restoration of this arrangement, and, so long as he lived, the church appears to have submitted to his decree; but no sooner was he laid in his gorgeous tomb than it boldly swept the tithes into its own coffers and expended them as it deemed proper. Historians are never tired of explaining that the institutes of Charlemagne failed because he divided his empire into three; it would be nearer the truth to attribute their failure to the

[34] Petty, Political Arithmetic, 172; Yeats, History Com., ed. 1872, p. 115; Beckmann, Hist. Invent., I, 169; Guizot, Hist. Civ., III, 392, on the rights of the bishops of Beauvais.

[35] See the emperor Julian's charitable division of the revenues of Galatia, in his letter to Arsacius, high-priest of that province. Sozomen, V, 16.

[36] Gibbon, chapter XX, and Thomassin, Disclipline de l'Eglise, tom. III.

political blunder which led him to divide the tithes into four. Charlemagne's sagacity did not mislead him when he built his institutes upon the antiquity and influence of the Roman Cæsar; it failed him in not perceiving the still higher antiquity and greater power of the Roman Pontifex-Maximus.

The most important of the imperial revenues which, from the time of the Cæsars, had belonged to the sacred fisc, were, after Charlemagne's death, collected by the provincial priests, under the names, I, of Rome-scat or Peters-pence, and II, tithes; the former, in money, for the papal treasury, the latter, partly in kind, to the holders of ecclesiastical livings, many of which had been purchased by the incumbents and paid for in Rome.[37] The rapacity of the pagan clergy, which in ancient times had hastened the revolt of Boadicea against the authority of Rome, was doubtless followed by much milder measures when those ecclesiastics had to deal with Roman colonists, instead of the aboriginal inhabitants of the provinces. But within a century after the Roman church became christianized in Britain and the other provinces, this rapacity, judging from the wealth of the bishops and clergy and the number and importance of the ecclesiastical establishments, must have been renewed.

We are assured that, by the edict of Milan, A.D. 313, the blessed Constantine, who in that year became emperor of Britain, Gaul and Italy,[38] restored to the Christian church those considerable possessions and revenues of the pagan church within its dominions, of which it had been unjustly deprived by the impious Diocletian. This is a tissue of fabrication. Diocletian did not deprive the Christian church of its

[37] The Peter's-pence of Wessex were collected by the agents of the papal treasury before Charlemagne's time. It does not appear what disposal was made of them during his reign. After his death they certainly went again to Rome.

[38] A few dates here will assist the memory. In 308 the Roman empire was divided between six emperors as follows: Maximin Hercules, former coadjutor of Diocletian and father-in-law of Constantine I., governed the West. He was put to death by Constantine at Marseilles in 310. Maxentius, son of Maximin Hercules, governed Italy and Africa; he died 312. Constantine I., son-in-law of Maximin Hercules, governed Gaul and Britain. In 313 Constantine got Italy and Africa and became an Augustus. He afterwards obtained the whole empire, and died in 337. In the East, Galerius, (Caius Galerius Maximinianus,) son-in-law of Diocletian, governed Pannonia; he died at Sardica in 311. Maximinus (C. Galerius Valerius) governed Egypt and Syria as an Augustus; he died by poison at Taurus, or Tarsus, in 313. Licinius, brother-in-law and coadjutor of Constantine I., governed the Thracian bosphorus as an Augustus. In 314 he was defeated by Constantine, who now occupied Pannonia, Dacia, Dalmatia, Macedon and Greece. A truce ensued between them for eight years. In 324 Constantine broke the truce, defeated Licinius, made friends with him, pardoned, and then strangled him.

possessions or revenues, for at that time it had none, nor did Constantine restore them, for he had neither the authority nor the desire to enrich the Christians in such a manner. The property of the pagan church was consecrated to the gods. At the period of this decree, which was issued conjointly by himself and Licinius, Constantine had but recently conquered Italy; the decree itself shows that he was ignorant of the Christian religion, and as a matter of fact he practised the pagan rites, and so did Licinius. The emperors simply proclaimed toleration toward all their subjects and restored the estates of those citizens who had been banished for political reasons by Maxentius. The mutilated Code of Theodosius [39] contains a provision by which it is made to appear that in 321 Constantine, emperor at that time of all the western provinces, granted permission to those, so willed, to make testamentary gifts to the Christians. This provision, itself an interpolation and a forgery, falsified to a certain extent the previous fabrication, because the Christians, until they obtained lawful control of the church, derived their communal wealth chiefly from testamentary bequests, it follows that before this permission was accorded they could not have enjoyed any considerable possessions or revenues.

We are further assured that after he had pursued to death and murdered his various rivals and relatives, the blessed Constantine extended these edicts to other portions of the empire, with the view to purchase for his crimes a forgiveness which his less indulgent conscience refused to grant.[40] Whatever may be the truth with regard to these matters, is not at the present time of much consequence. As a matter of fact it was Theodosius and the senate who, in 394, endowed the Christian clergy with the possessions and revenues of the church, and there is no reason to believe that they were suffered to diminish during any portion of the millenium which followed this endowment. In the thirteenth century we find the pages of the monk Matthew Paris replete with complaints that the bulk of all the revenues collected in England went to Rome, not to be expended for any purpose connected with the welfare or interests of England, but to be lavished by the papal court in the indulgence of Roman pomp and luxury.

[39] Code XVI, ii, 4.

[40] There is a rent-roll from the Vatican purporting to be of the fourth century, of the three Roman basilicæ of St. Peter, St. Paul, and St. John Lateran, showing the annual revenues from houses, shops, gardens and farms in Italy, Africa and the East. This amounted to 22,000 besants of gold, besides a reserved rent in produce. In common with "every record that comes from the Vatican," Gibbon suspects this document of being a forgery. The forgery probably consists only in the date, which has been altered to the extent of perhaps two or three centuries.

No evidence seems to have survived relating to any tribute or concession which, under the Treaty of Seltz, may have been paid by the Western empire as an acknowledgement of the suzerainty of the Basileus. Of course it will be denied by the apologists of the Forged Decretals that any such suzerainty existed; but although those who have forged or profited by the use of the Forged Decretals, knowing them to be forged, carefully mutilated or destroyed every bit of writing which threatened to expose their Colossal Crime, they could not destroy everything. The earth has yielded to modern archæological research monuments which indicate almost unerringly that such concessions were made and consequently that such suzerainty was acknowledged.

Treasure Trove. After the barbarian revolts, the prerogative of Treasure Trove ceased to be exercised by the emperors of Rome. It fell to the provincial dukes and kings who succeeded them, and afterwards to the other feudal lords in whose hands it remained until the thirteenth century.

Mines, Coinage and Legal-Tender. Both the Basileus, the Western emperor, and the proconsuls, or feudal kings, worked mines during this period. The gold coinage was entirely monopolized by the Basileus; the silver coinage was exercised by the provincial kings, and often by the lords, both lay and ecclesiastical, who were subject to them. The prerogative of the copper coinage is a subject still shrouded in uncertainty. The ratio of value between silver and gold was uniformly maintained by the Basileus at 12 for 1. This he was enabled to do, first, through his monopoly of the gold coinage, and second, by the unvarying practice of the Sacred fisc to receive bullion of both metals at that ratio, not for private or "free" coinage, because there was none, but in payment of tributes, taxes and other dues. Under these regulations nobody could purchase a besant for less than twelve times its weight in silver of like fineness or standard. On the other hand, as at 12 for 1 the Basileus sold his Indian gold at nearly double its cost, [41] he never failed to keep the provinces fully supplied with

[41] The number of pounds of silver required to purchase one pound of gold in the Orient was as follows in the places and at the dates named: Delhi, India, twelfth century, 8; 1340, 7; 1388, 6½; 1556, 9 4-10; Japan, 1588, 8 4-10; 1854, 7¼; 1860, 6; China, fifth century B.C., 5 to 6; Chinese seaports, A.D. 1264, 1285 and 1294, 10; 1290, Province of Karain, 8; 1290, city of Yunnan, in Kardandan, 5; 1340, (place not mentioned,) 7; 1375, (doubtful and place not mentioned,) 4; 1556, seaports, 9; 1690, seaports, 10. The authorities for these quotations will be found in my various works on Money. Generally speaking, the ratio of silver to gold in the Orient, from the establishment of the Roman empire by Julius Cæsar to its fall in the thirteenth century,

besants in exchange for silver. Under these regulations and practices it was impossible for the ratio to move. Consequently, from the time when Cæsar sold his unrefined Gaulish gold in Italy for one-fourth less than the mint ratio, [42] until a short time previous to the Fall of Constantinople, there does not appear in the history of the Roman empire any example of a divergence of the legal and "market" or rather the "mint-and-mint" ratios of value between gold and silver. The first instances of such divergence appear in England during the reign of Stephen, Henry II., and John, when the legal ratio, as shown by the valuation of the gold besant in silver coins, differed from the "mint-and-mint" ratio, as shown by the payment into the exchequer of one sort of uncoined or "uncurrent" metal, for the other; a fact due to the introduction of Moslem coins from Spain.

With regard to legal-tender, two principles regulated the practice of the medieval ages. These were: First, The only unlimited and universal legal-tenders recognized throughout christendom were the sacred besants of the Basileus. Second, All debts, provincial, corporative, or individual, were payable in whatever money was legal-tender at the time and place of payment. This principle, a corollary of the axiom preserved by Paulus—that that is money which the state chooses to make money—will be found amply illustrated in the celebrated Mixt Moneys case adjudicated in 1604 and the numerous authorities therein adduced.

Lands, Testaments and Conveyances. Nothing need be added to what has already been said on these subjects, except that as a class the Roman land-surveyors, or agrimensores, gradually lost their occupation, as the pontificate absorbed the lands. By the twelfth century the agrimensores wholly disappeared. An abstract of their ancient body of laws and precepts, made in Rome some time during the sixth or seventh century, though more or less mutilated, is still extant. It is referred to in some texts of the tenth and eleventh centuries.

Nobility and Caste. Little need be added to what has already been said on this subject. Born of hierarchical government and the feudal system, the institution of caste rose and fell with them. In the destruction of the hierarchy the breaking up of the "Holy Roman Empire" and the extinction of feuds, it lost its significance. To-day

varied from 5 to 7 for 1. By coining the gold, which he did, at the valuation of 1 weight for 12 weights of silver coins of equal fineness, and by retaining the monopoly of such gold coinage in his own hands, the Basileus earnt cent per cent profit on every purchase of gold for silver, or sale of silver for gold, made on his behalf in the Orient.

[42] Suetonius, Julius Cæsar, 54.

it is reduced to the merest stumps of a once luxuriant growth, shorn alike of its ancient power, privileges and lands. Although to the sovereign-pontiff alone belonged the right to create dukes, persons assuming this title arose in many parts of France and England during the eleventh and twelfth centuries. French dukes of the eleventh century are mentioned by the labourious Brady. For England, we hear of Godwin, duke of Wessex; Leofric and Elferc, dukes of Mercia; Tosti and Morca, dukes of Northumberland, and Harold, duke of East Anglia. We are assured that the two last named were created dukes by Edward Confessor; but this is doubtful. These titles were probably all self-assumed, as was that of the duke of Brittany, until the king of France, by the fall of the Sacred empire, acquired the right to create a duke, and until (so far as the Breton title is concerned) it was legalized by Phillip III., in 1297. [43]

Slavery. The principal classes of slavery which existed under the Sacred constitution continued to exist under that of the Medieval empire. Such modification as occurred in the condition of the slaves has already been noticed in the chapters on the Feudal system. [44] It has been held by some writers that the introduction of christianity ameliorated the condition of slavery in the Roman empire. There is no evidence whatever to support such a view. On the contrary, the clergy, when they adopted that form of religion which in the dark ages passed for christianity, took over all the real and personal effects of paganism: temples, treasure, land and slaves. The institutes of the pseudo-Christian Justinian are filled with provisions designed to protect slavery, while the latter was maintained by the church for its own advantage. [45] Instead of discouraging it, the evidence goes to prove that the pseudo-Christians of the period zealously encouraged slavery. In the eighth century Alcuin, an English bishop at the court of Charlemagne, held no less than twenty thousand persons in bondage; and scarcely fewer numbers were held by some other prelates. It was not uncommon for free men to surrender their liberty to bishops or abbots, that they might be taken under the protection of the saints. [46] These oblati were so numerous that they were divided into three classes, vassali, censuales and ministeriales. At the beginning of the eleventh century the greater part of the com-

[43] Brady, II, 132, 182; Henry's History of Britain, II, i, 278.

[44] The institution of Patronage in the ninth century is mentioned elsewhere in the present work. [45] See Dr. Robertson, Note XX, and Fustel de Coulanges, passim.

[46] Du Cange, voc. oblatus, IV, 1286; Mabillon de re Diplomat., VI, 632; Potgiesserus de statu servorum, I, i, 6, 7.

monalty in France were slaves. [47] The same was the case in England. [48] The representations of Charlemagne to the pope and the capitulary of his brother Carloman, ut mancipia christiana paganis non vendantur, may have had some effect in abating the sale of Christian slaves to pagans, but even this is doubtful, for as a matter of fact the Venetian trade consisted largely of Christian slaves in exchange for oriental merchandise. "In England it was very common even after the Conquest to export slaves to Ireland." [49] William of Malmesbury and Giraldus Cambrensis prefer a still more serious indictment against the Christian nobility of England. They are charged with selling to foreigners their female servants, after they had themselves made them pregnant.

It was only in later times, after christianity had undergone so vast a process of evolution that it no more resembled the christianity of the dark ages than that did the original worship of idols which survives in the names of our week-days, that the church discouraged slavery and endeavoured to extirpate it. Ecclesiastical mystery and egotism is reluctant to admit evolution, last of all will it admit that the church, aye, even that religion itself, is subject to such a law of nature; yet for all that, christianity evolves. It is this evolution which constitutes its main basis, its chief glory and the real source of its increasing universality and ever extending conquests; and without which it would utterly fail to meet the religious aspirations of an advancing civilization.

The Provinces. Throughout the whole of the period from the establishment of the hierarchy by Julius Cæsar to the christianization of its laws by Justinian, the feudalizing process, which is the necessary consequence of such a form of government, had continually removed the provinces further and further away from central control. When the pontificate seceded from the Basileus and the Medieval empire arose, the western provinces, though lawfully subject to the latter, were, by the feudal process, so far removed from its practical control, that it was only on important occasions that their true relation was manifested. Still more distant had the provinces become removed from the Sacred empire of Julius, which now seemed to them but a speck on the distant horizon of time. Yet though faint, the marks of their ancient relationship were still to be discerned. Until the year 1204 we shall find that the Medieval empire, whether personated by pope or emperor, respected certain prerogatives of the Sacred empire,

[47] Montesquieu, xxx, 11. [48] Brady, Pref. to General History.
[49] Hallam, chapter IX, part 1, fin.

and that the provinces acknowledged and respected the prerogatives and suzerainty of both empires, the Sacred and the Medieval.

Free Cities. During the medieval ages certain cities, whose privileges or immunities became the subject of legal investigation, proved before the courts of law that they had enjoyed them "from the times of the Romans."[50] This fact alone negatives the notion that the Sacred empire had perished, or that, as Mr. Bryce suggests, the people of western Europe were ignorant of its existence. The right to establish cities and grant municipal privileges, which Pfeffel's imaginary constitution confers upon the ecclesiastical Diet and the emperor of the West, must therefore in reality be limited by the extent to which municipal privileges had previously been granted by the Sacred, and acknowledged by the Western, empire. It is plain that the same privileges could not legally be conferred by both empires, and that, for example, had the Sacred empire anciently chosen to grant freedom to all the municipalities then extant, the power of the Western emperor to make such grants must have been limited to such new cities as he himself constructed or established.

Fairs. Weekly or church-day fairs, or wakes, were held during the Medieval ages, as in pagan times, under the auspices of the church, to which they yielded a revenue.[51] Originally these were held on the ninth day; afterwards on the seventh. Appleton mentions fairs during the reign of Dagobert in France, while Dr. Henry treats those of the heptarchical period in England.[52] The Smithfield fair was established during the twelfth century for the benefit of the priory and hospital of St. Bartholomew in Smithfield. Church-day fairs were not abolished until the fourteenth or fifteenth century. In England they were forbidden by 27 Henry VI., c. 5 (1448), except as to four Sundays in harvest time. This last vestige of a custom which began in the very dawn of history was not swept away until 1850.[53] Great fairs are mentioned in extant texts as having been established by the emperors (among other places) in Italy during the fifth century, at Aix-la-Chapelle and Troyes in the eighth century, in Saxony and Flanders about 960,[54] and in Novogorod about 1050.[55] At these fairs slaves were sold, as well as merchandise. Fairs were regulated by the emperor Charlemagne in 800, and by pope Gregory VII. in 1078. It is quite evident that both as to church-day fairs and great fairs the Medieval empire

[50] De Bos, II, 333; Robertson, Note XVI.
[51] Guizot, Hist. Civ., vol. III.
[52] History Britain, II, i, 261.
[53] Act 13 Victoria, c. 23.
[54] Annales Flandriæ year 958, printed at Frankfort, 1580; Anderson's Hist. Com., 1, 98.
[55] Flateyjar-bok, I, 577.

simply continued the provisions of the Sacred constitution. Brussel [56] informs us that in the tenth century the rents of fairs were commonly feudalized. In fact throughout many parts of the empire this process had taken place ages before; in some parts it did not occur, so far as is now known, until after the tenth century. The fairs of Wessex were regulated by Alfred in 886, and of England by William I., in 1071. In the former case the regulation was probably made with, and in the latter without, imperial or pontifical authority.

Right of War, Peace and Treaties. These prerogatives, though they properly belonged to the Medieval emperors, were far more often exercised by the popes. Notwithstanding the prophecies of Daniel, the Sibyls, Virgil, etc., peace and good-will among men seemed as distant during the Medieval age as ever. Western christendom was surrounded by heretical Spain, Gotland, Saxony, Hungary and Sarmatia.[57] Within, it was governed by princes more intent upon strengthening their own local power than fortifying and extending the domain of Christ. In seceding from the Basileus the pontificate had assumed a responsibility which can only be measured by the danger of again seeing Europe revert to the abominable worship of the emperors; a danger that always haunted the Christian church and from which it could only hope to escape by undermining the imperial throne, weakening its power, dividing its dominions, and encouraging the disobedience of its vassals. If the papal history of christianity is true, if christianity was predicted by inspired prophets and descended from the Jews, then its government during the dark and Medieval ages (we refrain from any more sweeping characterization) has no apology. But if, as indicated by the more reliable testimony of archæology, it was essentially a moral revolt against Cæsarism, then there is much to palliate the transactions of this period. If the mission of christianity was to improve the religion of such men as Cicero, Pliny and Marcus Aurelius, or to keep alive the ancient Greek hatred for non-conformists, there is no plea to mitigate the manifold crimes which were committed or instigated by the Medieval popes. It is only upon the theory that the pontificate honestly feared a resurrection of Cæsarism that the end justified, even to those ages, the bloody and execrable means, which were too often employed to uphold the new religion. To maintain continual discord between the vassals of the Western empire, to prevent their uniting in its support, to dethrone and intern them in

[56] Usage Général des Fiefs, I, 42, cited in Guizot, III, 37.

[57] Spain and Portugal were in the hands of the Moslem; Saxony had been recovered by the Goths, and Hungary by the Avars.

convents, aye, even to mark them out for slaughter, while openly playing the part of peacemaker and accepting rewards for composing quarrels which itself had fomented, these were some of the functions of the Latin pontificate. Among the means necessary to the performance of these functions (there are others which are known to historical students, but over which charity prefers to draw a veil) were the right to declare war, peace and alliances.

Trial by Jury. The essence of this institution is the determination of questions at law by a body selected from among the people for that purpose, who, after their work is done, return to the people without retaining permanent office. The number of jurymen is of no essential consequence. No such custom appears in the Asiatic codes. The institudes of Solon provided for a large body of dicasts selected by the archon from among the freemen of Athens, and actions-at-law were heard and determined by a smaller body of dicasts selected from the whole body for this purpose. This smaller body we would now call a petit, traverse, or trial jury. The dicasts were sworn to discharge their duty faithfully, and during trials were presided over by a permanent magistrate. The Roman system of judices, evidently copied from the institutes of Solon, was of precisely the same character. Such judices determined not only the facts, but sometimes also the law; although this was usually laid down to them, at the outset of the trial, by the presiding magistrate, in explaining the consequences that would follow their verdict. The smaller body selected to try a cause was usually composed of ten men. Under the Sacred constitution this system substantially expired, yet that some shadow of it remained is attested in the numerous allusions of Tacitus, Suetonius and other authors of the Augustan period. This was the time when most probably the few cases now referred to a jury were adjudged by twelve, instead of ten judices, as formerly; for it was partly during the Augustan period that twelve assumed the mystic importance previously accorded to ten. Twelve was the number of compurgators or guarantors (juare duodecima manu) who were required to swear to the innocence of the accused under the canon law of the sixth century.[88] The system of compur-

[88] Sir Francis Palgrave fancies he sees the twelve jurymen in the twelve headmen of Asgard, whom Woden nominated to "doom the land's law." But it is quite evident that many of the mysteries found in the Sagas are either, like Gothic coins, architecture, etc., mere barbarian distortions of Greek or Roman originals, or else that they were all derived from a common Oriental source. The jury system was so unfamiliar to the Goths that it was only introduced into Norway about the year 1890, and it is by no means well established there yet.

gators also essentially differed from that of the judices. The compurgators were witnesses, not judges; they constituted a body of twelve persons who were supposed to know the facts of the case, or who, whether they knew them or not, were ready to testify concerning them, and who alone were permitted to do so. This institution of witnesses prevailed throughout the Roman empire, including Britain, down to the thirteenth century, when, in common with many other canonical institutes, it began to undergo modifications in the several states which now first asserted their independence. Glanville, who wrote during the reign of Henry II., ascribes some modifications then made in the witness system to the "goodness" of the reigning prince; but it is well ascertained that down to the fifteenth century the so-called jury of twelve were themselves the witnesses and the only witnesses permitted in the trial; so that the modification alluded to could hardly have been of essential importance. In Magna Charta the judicium parium [59] meant the well-known feudal custom of the lord and a body of his vassals trying disputes between other of his vassals; and did not mean a trial by jury in either the ancient (or most modern) sense, juratores being mentioned elsewhere in that instrument. It is quite possible that the alternate phrase, per legem terræ, was intended to include trial by jury of actual witnesses, and was in fact the modification to which Glanville alludes. In such case it was not overridden by the compurgator practice of the common law, until the æra of freedom inaugurated by Edward III., rendered the ancient Roman system of jurymen a permanent institution of English law.[60]

The Calendar. The Sacred prerogative to fix or alter the æra and calendar descended in an unbroken line from the pontifex "Numa" to the pontifex Julius Cæsar, and from the pontifex Julius Cæsar to the pontifex Isaac II. It was afterwards picked up by the Latin popes, of whom Gregory XIII. was the last to exercise it.

Foreign Ambassadors. The Benedictine compilers of L'art de Verifier les dates claim that the Jus Legationis was exercised by Pope Gregory III., and the statement has been carelessly repeated by all subsequent chronologists. This prerogative belonged to and was exercised by the sovereign-pontiff of the empire. In the reign of Charlemagne it was assumed by that monarch. His embassy sent to Haroun al Raschid is an instance of its exercise. It was not until after the pontificate had usurped the throne and prerogatives of Charlemagne, that it ex-

[59] Nisi per legale judicium parium suorum vel per legem terræ, *i. e.*, "Unless by lawful trial of his peers," not trial by jury.

[60] For further information on this subject see my "Ancient Britain."

ercised the power to treat with foreign nations and to send to them legates or ambassadors. Under the Medieval constitution the pope and emperor, sometimes alternately, sometimes conjointly, exercised this prerogative, until the Fall of Constantinople, when the tie that bound them to the Sacred empire having been destroyed, the western princes found themselves free to appoint ambassadors, each on his own account. Among the earliest foreign embassies appointed by any of the subsidiary Christian powers was that headed by William de Rubruquis, a Franciscan monk, who was sent in 1253 by Louis IX., of France, to treat with the Mongol princes Batu and Mangu Khan. An account of this mission appears in the first volume of Hakluyt.

Trade Corporations. The evolution of trade corporations from the period assigned to Numa, their sacerdotal government under the early Monarchy, their secularization and suppression by the Commonwealth, and their restoration and subjection to sacerdotal authority under the Empire, has been treated in previous chapters. They retained the last named position in the laws of the Medieval empire. As the Sacred empire drew to its close, trade-guilds are said to have made their appearance in the Italian republics; in the history of the free city of Hamburg they are mentioned so early as 1135; but it is by no means certain that these dates are not founded merely in the vain but common desire of historians to exaggerate the antiquity of their national institutes. That the pagans created trade-guilds is not denied, but since within the Roman empire their creation was a prerogative of the sacerdotal function, it is difficult to see whence proceeded the authority to constitute a corporate body in a Christian state until after the Fall of Constantinople. Whatever may have been the case in the "republics" of Venice or Hamburg, it remains the fact that no Christian prince, other than the emperor or pope, ever created a corporative body until after that period. The earliest trade-guilds of London were authorized by Edward III.

Navigation Laws. The Roman navigation acts were repeated in the Laws of Oleron, which have been ascribed to a period so early as the reign of Richard I., but it is more likely that in point of time they followed the Consolato del Mare which was promulgated at Barcelona early in the thirteenth century. In 1379 Richard II. enacted a statute which prohibited the king's subjects from importing or exporting merchandise except in English ships, probably only the repetition of an ordinance of one of the Edwards. To the reign of the latter must therefore, with the greatest probability, be ascribed the earliest of those acts, which, following the example of Rome, had for their most

for their most important object, the monopoly of the coasting and colonial trade.

Public Notaries. Both the civil and ecclesiastical lawyers of the Medieval age agreed in the belief that all public notaries throughout the Western empire, in order to render their records, writings and attestations valid, should hold their commissions from either the emperor or the pope. This continued to be the legal practice in Scotland until the reign of James III., 1460-87. Even after that time the public notaries of that country continued to style themselves "Ego M. auctoritate imperiali (*or* papali) notarius." [61]

Doctors of Law: Bankers. Irnerius, an Italian jurisconcult of the twelfth century and chancellor to the emperor Lotharius, is frequently described as the "restorer of the Roman law." This is saying too much. He was the first of the glossators and in that capacity he did much to restore the corrupted text of the law. But the restoration of the Civil law, meaning its re-instatement as the rule of action for the inhabitants of the Western empire, was the result not of any one man's efforts: it was a great political event, the consequence of the Fall of Constantinople and of the assertion of their independence by the numerous western princes who thitherto had remained in vassalage to Rome. Down to that time the law which had substantially governed the Western "kingdoms," ever since the death of Charlemagne, was not the Civil law, but the ecclesiastical statutes invented or formulated by Dionysius Exiguus, forged by Isidore of Metz, amplified by the Latin popes and codified in 1151 by the Tuscan monk Gratian, in the "Concordantia Discordantium Canonum." This code covered or was construed to cover nearly every incident of social life; so that when a man was asked, as he was in France and Italy, by what law he would prefer to be governed, whether Longobardian, Salic, or German (Alemannorum) the question was almost a sarcasm, seeing that the canon law left him but little to choose. [62] The papal registers of this period have not been permitted to see the light; but for the century which followed it, Mr. Bliss and other writers have been kindly supplied with materials by the clever gentlemen who control the Vatican collection. [63] Their object in permitting this publication is evidently with the view to establish the claim that the almost absolute control of the Western "kingdoms" exercised by the papacy began

[61] Bryce, 188*n*; Selden, Titles of Honour, part I. chapter ii.

[62] See my "Ancient Britain," chap. VIII, 9.

[63] "Calendar of Entries in the Papal Registers relating to Great Britain and Ireland, 1198-1304," edited by W. H. Bliss, B. C. L., London, 1894.

in a remote past and continued onward into an indefinite future. But that is precisely what it did not do. It began with the papal usurpation of Charlemagne's prerogatives and it definitively ended with the Fall of Constantinople in 1204. Its exercise after this date was a continual diminuendo; and so far as England is concerned but feeble traces of it remained after the accession of the Plantagenets. Among the many false institutes and legal fictions that fell with the Empire was the canon law of Rome and the empty choice which it left to the freeman of living under codes of law which it had divested of any force. When Constantinople fell, the whole of christendom, as though by concerted action, took refuge under the Civil law; and until this was modified by the numerous statutes which each kingdom now proceeded to enact for itself, [64] it remained the only law which governed the states of the Western world. It was the enactment of these local statutes that demanded a legislature and that led to the creation of parliaments, which, as to any period before the year 1204, claim existence only in the imagination of those patriotic writers who would manufacture parliaments, without power either to make laws or to enforce them. It is the same with lawyers. Until the Fall of the Empire there was no Civil law and consequently there were no civil lawyers.[65] The law was divine and infallible; its interpreters and executioners were alike divine and infallible and there was little place either for reason or reasoners. The early teachers of the Civil law, like Ivan of Chartres; Irnerius, of Bologna; Theobald, of Normandy; Vicarius, of Bologna; and Placentius, of Montpelier, were doctors or professors, rather than advocates or attorneys; and when the rehabilitation of the civil law had proceeded so far as to require the services of practical men, the Empire was *hors de combat* and the attorneys were appointed by the royal power in each state for itself. The earliest attorneys in England are mentioned in the Court Rolls of 14 Henry III., (A. D. 1225,) but it does not appear from the rolls whether they were professional attorneys, that is to say, officers of the Court, or merely friends of the persons cited to appear. In 52 Henry III., "John de Bayliol constituted before the king two persons to be his attorneys, ad lucrandum vel perdendum, in a plea depending before the barons (of the Ex-

[64] The remarkable synchronism of these great events does not seem to have arrested the attention of historians. The Etablissements of St. Louis, 1226-70, the Siete Partidas of Alfonso X., 1256-75, and the statutes of Edward I., De Religiosis (statute of mortmain) De Donis and Quia Emptores, were all enacted about the same time; *i. e.*, shortly after the Fall of Constantinople.

[65] In 1220 Pope Honorius III. forbade the delivery of lectures on the civil law in Paris.

chequer) between the said John and John de Somerleyton and others named in the original writ for a debt of XI libras, which the said John de Bayliol demanded of them, therefore the king commands the barons that they do admit the said persons or either of them (if both of them cannot be present) to be attorneys for the said John de Bayliol." [66] Notwithstanding the phrase ad lucrandum vel perdendum the fact that these attorneys had to be appointed especially for this case by the king, proves that they were not officers of the court. The earliest instance of persons thus qualified occurs in the reign of Edward I. Their designation was apprentices and counsellors at law. The latter are mentioned in the statute of 1284. (13 Edward I.) These officers were followed in 1391, (20 Edward I.,) by barristers, or persons qualified to plead within the bar.

With regard to bankers, so long as the power of the Basileus remained, no banking seems to have been permitted throughout the empire; for his control of the monetary system made him the banker of christendom, and it is not likely that he voluntarily relinquished so valuable a monopoly. The Camera degli Imprestidi of Venice was the only institution that had the appearance of a bank which was erected before the fall of the Basileus; after that event, banks became numerous. But the Camera of Venice, though it afterwards became a bank, was essentially not a bank at the period in question: a fact which the author has sufficiently demonstrated in another work. [67] For these reasons there seems to be warrant for the belief that the appointment of bankers or the granting of permission to receive deposits of money and to lend the same upon interest, was an imperial prerogative, which only fell to the royal houses of Europe after the destruction of the Roman imperial power in 1204.

Such were the principal features of the Medieval imperial Constition previous to the Fall of Constantinople; not as drawn by Guelph or Ghibelline, nor as depicted in forged or mutilated scriptures, but as indicated in the powers actually exercised by the two sovereigns—emperor and pope—who conjointly or alternately, openly or secretly, swayed its sceptre. Behind this anomalous empire stood the shadow of the ancient one, a shadow which daily grew shorter and vanished altogether when the power and splendour of the Roman pontificate reached its short-lived zenith. However, so long as the Eastern empire actually lasted, it claimed and exercised a powerful influence upon the affairs of christendom, an influence which the Church would fain ignore, but which science, having no false pride of origin, will try and restore

[66] Madox, II, 79-81.

[67] "Money and Civilization," p. 31.

to its proper place in history. When this Constitution is compared with that of the empire of Augustus it is impossible not to be convinced that both relate to the same body-politic, that both are essentially one, and that they only differ as the same individual differs in the journey from manhood and virility to old age and decrepitude. In short, the Medieval empire was simply an evolution of the Sacred empire erected by Julius Cæsar and established by his adopted son.

Jewry. The right to deal with the Jews, to withhold or grant them charters permitting them to enjoy and practice the rites of their peculiar religion, with or without conditions, the right to tallage or tax them, or to banish them from the empire, seems also to have been retained in the hands of the emperor of Rome, althongh on these points the author is not able to speak with confidence. Such rights were certainly exercised by all the emperors of Rome from Julius to Hadrian, and probably by succeeding emperors down to the eighth century. At a later period they were exercised by the emperors of the Western or Medieval empire, while they do not appear to have been claimed by the various potentates of the disrupted Roman empire until after the Fall of Constantinople. There are numerous instances of Jewish persecution and massacres previous to 1204, but no case of Jewish banishment until after that date; so that it would appear that this unhappy people were, in a measure, protected by imperial charters until after the empire itself had fallen. Should this view prove to be correct, it would still further corroborate the position that the kings of the European states were not independent sovereigns. This is an interesting topic and worthy of much greater attention than the author has been enabled to devote to its elucidation.

CHAPTER XII.

DESTRUCTION OF THE SACERDOTAL EMPIRE.

The pope resolves to destroy the empire of Augustus—League with the Normans of Apulia—Robert Guiscard marches upon Constantinople—Upon learning his design, Henry IV. besieges Rome—The pope recalls Guiscard to Italy, and the attempt upon Constantinople is temporarily abandoned—A second attempt is frustrated by the Venetians—The design is subsequently revived—Pretext—Story of Alexis III.—Schism—Means employed—The Fourth Crusade—Last view of the Sacred empire—Its territory—Wealth—Population—Army—Revenues—The papal armament—Attack upon Constantinople—Fall of the Sacred empire.

IN the course of that dark struggle between pope and emperor which characterized the interval between the Treaty of Seltz and the conquest of Italy by Otto I., both the combatants had become exhausted. The pontificate had broken up the Frankish empire, while the Frankish empire had broken up the pontificate. This was the period when the guilty lovers and offspring of the infamous Theodora and Marozia polluted the pontifical chair. With Otto's assumption of the imperial title and prerogatives the struggle was renewed. The fact that the sovereigns of the Medieval empire were now no longer Franks but Germans had nothing whatever to do with the merits of this contest. So long as the empire remained an empire at all, and this was certainly the case down to the thirteenth century, its contests with the pontificate arose out of their mutual claim to the hierarchical crown of Julius Cæsar, Augustus and Constantine, all of whom had been both emperors and high-priests of Rome. Many modern writers, misled by the anachronical literature which has been created on this subject, have represented the Medieval emperors as little better than lunatics, whose lives and opportunities were wasted in attempts to grasp the sceptre of an useless and shadowy empire. But in fact there was nothing shadowy about it. The throne of the West meant not merely an additional title for the kings of France or Germany who might fill it; it meant the practical suzerainty of all western christendom; and until this idea is fully grasped by historians we may expect no alteration of the old impossible pictures of idiotic monarchs riding to the devil after ghostly sceptres and mythical crowns.

In the contest for this suzerainty, which the emperors claimed by right of conquest and the Treaty of Seltz, and the popes claimed under the Forged Decretals, it became a settled conviction of the pontificate that no permanent victory could be achieved until the Sacred empire was destroyed. Two centuries had been spent in breaking up the empire of Pepin, yet here in 962 was the pope compelled to crown Otto as emperor of the West and to acknowledge himself his vassal. The power which impelled the pontiff to this humiliating attitude was not brute strength, not merely military superiority. Of that sort of power, be it said to the credit of Christ's champions, they rarely had any fear. They possessed weapons which, in ages of ignorance and credulity, were far more effective than swords and spears, and they well knew how to use them. What they did fear was the tripartite Settlement of Seltz: the rights which the emperors of the West had lawfully acquired from a source whose legitimacy no pontiff had ever ventured to question. The fruits of conquest had been and might again be feudalized and subdued, but the Settlement was a fruit which could never be disposed of until the tree that bore it was levelled to the ground.[1]

Hence the encouragement which the popes, at first secretly, then openly, extended to those Norman heretics, adventurers and daredevils who, in the eleventh century, invaded and conquered Apulia and other portions of the Byzantine possessions in Italy. The good understanding between these strange allies was only interrupted once, and then soon resumed. When Robert Guiscard, after having made a prisoner of the pope, kissed his captive's feet, we may well believe that the price of this degrading submission had been satisfactorily arranged in advance. Ostensibly, Guiscard vowed fealty to his enemy and agreed to pay him an annual tribute of twelve Pavian pence upon each pair of oxen in Apulia, a territory which was already his own by right of conquest and possession.[2] Secretly, we may believe, this was but the prelude to the conquest of Constantinople. To the priest, this meant the empire of christendom; to the soldier of fortune, plenty of spoil. One had secured an instrument upon whose credulity he might play and upon whose valour and fidelity he might rely; the other, a warrant for a conquest, which might enable him to indefinitely multiply his resources. Both may have been well satisfied with the bargain and the

[1] When Godfrey of Bouillon's army of Crusaders arrived near Constantinople on its way to Palestine, bishop Monteil, the pope's legate, who accompanied the army, strenuously urged Godfrey to besiege "that city which was the residence of the Chief of all the Christian princes." Voltaire, General History, I, 270.

[2] Voltaire, General History, I, 161. Year A. D. 1059.

prospect. At all events, the pontificate immediately afterwards renounced the tripartite treaty which had been made with the Eastern and Western empires, and thus threw open to the eager Normans the coveted road to Constantinople.

Though Guiscard was but a blind instrument in this vast design, Henry IV. was no dupe to it and fully understood its significance. The Eastern had all along formed a buffer to the Western empire against the ambitious designs of the Roman pontificate. The suppression of the Basileus would exalt the lawful authority and power of the pope to a point where it might remain forever secure from molestation or restraint. The fall of the Eastern empire meant the irrevocable subjection of the Western. There was no time to lose. Hastily explaining the crisis to his vassals, Henry summoned an army together, mounted the Alps, descended into Italy, laid siege to Rome, and attacked that lofty tomb of the pagan emperor Hadrian, within whose strong walls the pontiff had now sought refuge.

The immediate consequence of this move was the recall of Robert Guiscard, who had all but succeeded in reaching Constantinople, and who was now wanted in Italy to beat off the emperor. After great exertions by the tireless pope and his Norman mercenaries, this task was finally accomplished, and by the year 1084 the latter were prepared to again march upon Constantinople. On this occasion we have more positive evidence of the understanding between the papacy and the Norman chieftain. The former agreed to confer upon Guiscard nothing less than the kingdoms of Greece and Asia, and to exact nothing more in return than the formality of feudal submission.[3] But Guiscard, although he knew too little of Roman history to understand the significance of the undertaking to which he had devoted his arm, was not so innocent of the arts of duplicity as to walk blindly into this trap. His objects were not a desolated land, a barren throne and a feudal dependence, which would probably be greatly aggravated by successive popes, but plenty of spoil in hand for himself and his hardy followers. The Norman's estimation of the imperial crown, like his estimation of the imperial money, was limited strictly to the metal of which it was composed. Accordingly, his operations were directed not so much against well-defended Constantinople, as the ill-garrisoned but rich islands of the Archipelago.

This time a new defender appeared on behalf of the Sacred empire. The Basileus in his despair invoked the assistance of his Venetian

[3] Anna Comnena, Alexiad, lib. I, p. 32. The Apulian, lib. IV, p. 270. "Romani regni sibi promisissi coronum Papa serebatur." Gibbon, V, 623.

vassals. Lying between the Eastern and Western empires, Venice had profited by their separation and thriven upon their quarrels. Though she had never failed to acknowledge her submission to the Basileus, she had more than once profited by his necessities. The price demanded on the present occasion, though something enormous, received the assent of the Sacred court; it was no less than permission to share in that coveted trade of the Orient which the Greeks had hitherto unwillingly divided with the Arabians. For this consideration, to be paid after the repulse of the Normans, the Venetians, in 1085, despatched an armed fleet to the Archipelago, which soon put an end to the marauding expedition of Guiscard and with it, for the present, to the designs of the pope. But, though laid aside, this design was not relinquished. Men die, but corporations live. Guiscard died, Henry died, Gregory died, but the Latin See continued; and it only awaited a favourable opportunity to exorcise that apparition of the Sacred empire, which was still strong enough, both in arms and in documentary proofs, to prevent it from claiming the suzerainty of christendom.[4]

Such an opportunity occurred toward the close of the following century. There was a crime to punish, an exiled prince of the Sacred line to restore, the Holy Land to redeem from infidels, a schism to heal in christianity, and an empire to sack. The pretext of a crusade, though insufficient to convince men like Matthew Paris, who lived on the ecclesiastical stage and sometimes lent a hand in shifting the scenic

[4] The Roman fable of Prester John, which was promulgated in the eleventh century, the appearance of Dominican monks in Tartary during the twelfth century, the irruption of the Mongols shortly after the opening of the thirteenth century, the sack of Constantinople by the Latin forces in 1204, the Mongol invasion and subversion of the caliphate of Baghdad by the grandson of Genghis Khan in 1258, all suggest that the pope used pressure from the eastward; in other words, that the Tartar and Turkish invasions were promoted by the Latin See. Indeed, the monk Carpini, in 1246, was instructed to invite these barbarians to attack the Moslems; and it is quite probable that at an earlier period they were in like manner invited to attack the Greeks. It was the pope, (Benedict VIII.,) who encouraged the Normans in Italy, and there is a strong suspicion that it was also the pope who summoned the Mongols to destroy the Sacerdotal empire. The object in both cases was the same; and this object the Latin College omitted no means to accomplish. Peter of Leon, the son of a wealthy Jew, was elected pope of Rome in 1130, and remained on the pontifical throne until 1138, when he died. His sacramental title was Anacletus II. His wealth and the sword of Roger, king of Sicily, proved his palladium. His rival, afterwards known as Innocent II., fled to the court of Lothaire II., and bribing him with the usufruct of the domains granted to the papacy by the Countess Matilda, secured a champion who, upon the death of Anacletus, placed him upon the papal throne. The deed executed by Innocent II. bears the date of June 13, 1133. Voltaire, I, 212.

illusions, were enough for the rest of the world and more than enough for the Normans, to whom the word sack always had the effect of a galvanic battery.

The crime which had enlisted the benevolent interest of the Latin pope was that of Alexis III. While the Sacred emperor, Isaac II., was absent in Thrace the crown was usurped by his brother, Alexis Angelus, who, after securing the throne, seized, blinded and thrust his brother into a monastic dungeon. The sufferer's son, afterwards Alexis IV., then a boy of twelve years of age, escaped on board of an Italian vessel to Sicily, whence he made his way to Rome and narrated his case to pope Innocent III. To that astute and unscrupulous politician it was a lever by which the Western world might be moved. A treaty was at once drawn up between the high contracting powers, by which the Latin See undertook nothing and the friendless boy promised everything. "Restore my father to his throne," wrote the lad, "and we promise to submit ourselves and our people, in fine, the Eastern empire, to the pope, as well as the succour of the Holy Land and a present contribution of two hundred thousand marks." As a shibboleth to recruit the legions and the treasury of superstition, the Holy Sepulchre, though much played-out, had not entirely lost its efficacy. It is true that the chivalrous Saladin had thrown open the road to Jerusalem without toll or hindrance, and that he had, upon condition of demolishing the Christian fortress of Ascalon, even granted to the Christians the freedom of the coast from Jaffa to Tyre, so that, whatever their real object was, they might either visit the sacred relics, or obtain some share of the overland trade to India. But these indulgent terms were subject to revision. New caliphs might enact new measures. The infidel banner of the Prophet still waved over the holy city; and, with these arguments, all Europe could be invoked to haul it down.[5]

The nature and extent of the so-called schism in the Christian church and the hopelessness of uniting the Greek and Latin religions had by this time become so plain to those in authority, that all attempts to bring about such unity must be regarded by the modern student rather as political expedients, than the efforts of unsophisticated piety. The current which separated these religions bore them farther and farther apart. To the doctrines "Substantiality," "Natures" and

[5] Notwithstanding all the blood and treasure wasted in the crusades, the banner of Mahomet still waves there. On the Saladin tax and tenths levied by the pope in behalf of the fourth crusade, see Selden on Titles, III. ii, 1083. The religious motives which induced the Venetians to establish themselves at Tyre will appear more fully as we proceed.

"Will," which distinguished them in the fourth century, and the dissimilar rites and festivals which they celebrated in the seventh, had now been added a race hatred, which nothing could hope to reconcile. The Greeks had come to regard the Franks with a contempt that amounted to loathing. Anna Comnena, represents the Greek abhorrence for the Latins and Franks as due to their filthy habits.[6] The language of Cinnamus and Nicetas is still more vehement. During the Second Crusade the Latin priests had, by permission, offered sacrifices upon the altars of the Greek churches. Upon their retirement, the Greek priests deemed it necessary to wash and purify the fanes thus desecrated by the touch of foul hands. Yet even such offences were venial compared with the hideous crimes which the Latins daily committed. Dirt is an expiable offence, but not heresy. The Latins, it seems, thought nothing of eating the flesh of animals that had been killed by strangulation; they consumed blood; they fed on milk and cheese during Lent; the infirm of their monasteries were even indulged in the taste of meats; they cooked with lard instead of oil; they fasted on Saturdays; their bishops, like the pagan knights, wore rings; their priests shaved their heads and faces; and the rite of baptism was performed as in the ancient pagan days.[7] The hatred of the Latins for their Greek brethren, if not based upon similar refinements, was none the less vigorous. The latter were not Romans, but Asiatics; they were not descendants of the gods, but base Scythian and Galatian nomads, polished with the veneer of a stolen empire; they were cowardly, perfidious, voluptuous and effeminate; their religion was little better than the foul worship from which it sprang, and whose Mithraic temples and ceremonials still masqueraded under the thin veil of so-called christianity.

The indulgence which the clergy of the respective races accorded to these popular prejudices moulded them into instruments well fitted to the hands of jealousy or ambition. In 1054 the pope of Rome solemnly excommunicated Michael Cerularius, the patriarch of Constantinople, and instructed his legates to deposit upon the altar of St. Sophia a direful anathema, which, after enumerating the seven mortal heresies of the Greeks, devoted their guilty teachers and their unhappy sectaries to the eternal tortures of hell.[8]

During the reign of Alexis II., the Latin inhabitants of Constantinople, who lived in a quarter especially assigned for their residence, were attacked and slaughtered without mercy, neither age nor sex being spared. Their houses were reduced to ashes, their clergy burnt

[6] Alexiad, I, 31-33. [7] Gibbon, VI, 123-4; 126*n*. [8] Gibbon, VI, 126.

in the churches, and their sick murdered in the hospitals. Four thousand Roman Christians were sold in perpetual slavery to the Turks. In this horrible transaction the Greek priests and monks were active ringleaders, and they joined in chanting a hymn of thanksgiving to the Lord Jesus when the head of a Roman cardinal, the pope's legate, was severed from his body, fastened to a dog's tail, and dragged with savage mockery through the city.[9]

Greatly as the Sacred empire had been contracted by the encroachments of the Moslems, it was still one of the most extensive and opulent in Europe. It embraced the whole of Greece, Cyprus, Rhodes, Crete and the fifty islands of the Ægean Sea; its inhabitants numbered some seven or eight millions; the daily revenues of the crown, according to Benjamin of Tudela, amounted to 20,000 besants, a quantity of gold more than equal to that contained in 10,000 British sovereigns of the present day; it monopolized through its emperors the lucrative prerogative of coining gold for the circulation of the entire christian world, which gold it exchanged for western silver at 12 and re-exchanged for Oriental gold at 6 for 1; until the twelfth century, it also monopolized the production and manufacture of silk; it shared with the Arabs the entire trade with the Orient; its capital city was a veritable mine of gold and silver furniture, priceless vestments, and inestimable gems, the stored wealth of an hundred Cæsars, derived from endless conquests, exactions, and oppressions. Speaking of the Eastern empire in the twelfth century, Voltaire (1, 260) says: "Notwithstanding so many losses, notwithstanding the vices and revolutions in the government, the Imperial city, declining indeed, but yet immense, populous, opulent, and voluptuous, was certainly, in its own estimation, the first city in the world. The inhabitants called themselves Romans, not Greeks; their state was the Roman Empire; and the people in the West, whom they called Latins, were, in their opinion, barbarians, who had revolted from them." In summoning the Fourth Crusade there was a brilliant prospect for all the participants; the sceptre of Christ for the pope, a recovered kingdom for the aged Isaac and the youthful Alexis, the Holy Sepulchre for the devout, the union of the Greek and Latin churches for the Roman ecclesiastics, the Oriental trade for the

[9] Gibbon, VI, 129. In 1891 a French Swiss pilgrim, fresh from the elevating influence of the Holy Coat of Treves, visited Rome, attended the pope's mass at St. Peter's, and thus reinforced with religious zeal, went to the Pantheon and spat upon the register containing the name of Victor Emanuel. In the following year an author and a publisher at Treves, whose book alluded to these circumstances and declared the coat to be an imposture, were both sent to prison. And yet there are people who dream of philosophy, science, truth and the Golden Age!

Venetians, and for the Normans and old crusaders—well, as it might happen.

Notwithstanding her subsequent claims to political independence it can scarcely be doubted that Venice remained a fief of the Eastern empire down to the period of its fall. In 523 Cassiodorus reminded the tribunes of Venice not to neglect their annual tribute to the exarch of Ravenna. In 697 they began to elect their own chief magistrates and even ventured to confer upon them the title of duke or doge, assuming what was afterwards regarded as a republican form of government; but this mode of appointment was followed in many of the provinces hitherto never suspected of being republics; only, in such cases, the appointment was subject to the approval of the Empire. As a matter of fact, the Venetians continued to pay tribute and acknowledge vassalage to the Eastern empire, even after the secession of the West. The Treaty of Seltz probably left the Venetians in the same position. Their attitude in 807 has been depicted in another place. In opening a commerce with them at Alexandria the Arabians admitted them to a portion of the vast profits of their Indian trade. The crusaders augmented their wealth and power, by enabling them to give up Alexandria and establish emporia of their own at Antioch and Tyre. On the other hand, they were exposed to continual danger both from the claims of suzerainty preferred by Frederick Barbarosa, the intrigues of the Latin See, and the commercial rivalry of Genoa and Pisa; so that it seems probable that they remained, at least nominally, subject to the Eastern empire until the reign of Manuel Comnenus. By this time the military protection of the crusaders over Antioch and Tyre was abandoned; the Venetian share of the oriental trade hung upon the profits of a factory which they were permitted to conduct at Constantinople; and unless this precarious footing was soon bettered there was grave danger that the trade would be lost to them altogether. The war of 1150 must be regarded as an attempt of this character, but it had ended in 1175 without importants results, and at the moment when the benevolent pope of Rome espoused the cause of the tender Alexis, the commercial preponderance of Venice trembled in the scale of fortune.

In preparing for this crusade, the coöperation of Venice was indispensable; its promise of reward was proportionately munificent. The terms were arranged by six commissioners, deputed by the feudal princes who had devoted themselves to the Cross, and who met in Venice to confer with the aged and pious doge, Henry Dandolo. Venice was to receive 85,000 marks in advance, one-half of the spoil, and

one-half of all conquests by sea and land. Nothing was said about the Oriental trade, which was worth more than all the rest. On her part, Venice was to provide 120 polanders capable of conveying 4,500 horses and 9,000 squires or grooms, also 24 transports to carry 4,500 knights and 2,000 foot-soldiers and a convoy of 50 galleys, all provisioned for nine months, or provisions enough to fill 70 store-ships. Every preparation having been made, this expedition set sail in the spring of 1203 and in due time it came to anchor in the harbour of Constantinople. Its mere appearance was the signal for the flight of the cowardly usurper, the deliverance of the blinded emperor, and the restoration of himself and the youthful Alexis to their lawful throne.

When the services of the allies in this bloodless war came to be paid for, great difficulties arose. The crusaders and Venetians were importunate, the public treasury of Constantinople contained at the time but a few besants, and the people of the city were filled with holy indignation at the promised submission of the Sacred empire to the pope of Rome. The youthful Alexis began to perceive that he had promised much more than it was possible for his father to perform. During the embarrassment which ensued, the holy tumult into which the city was thrown, enabled a new usurper named Ducas, or Mourzoukle, (Alexis V.,) to gain access to the palace, murder both Isaac and Alexis, proclaim himself sovereign of the Sacred empire, and address the allies in a tone of lofty superiority. Nothing more was wanted to goad the latter to madness. Whatever respect for the traditions of the past had hitherto restrained their avidity for the treasures which surrounded them on all sides, whatever sentiments of awe or superstition in the presence of the relics and memories sacred to the name of Roman or Christian, had to this moment stilled their rude passions, were now entirely swept away. The citadel was at once besieged. In 1204 it was carried by assault, set on fire, and sacked.

"In St. Sophia the silver was stripped from the pulpit, an exquisite and highly prized table of oblation was broken in pieces, the sacred chalices were turned into drinking cups, the gold fringe was ripped off the veil of the sanctuary. Asses and horses were led into the churches to carry off the spoil. A prostitute mounted the patriarch's throne and sang with indecent gestures a ribald song. The tombs of the emperors were rifled and the Byzantines saw, at once with amazement and anguish, the embalmed corpse of Justinian—which even decay and putrefaction had for six centuries spared in his tomb—exposed to the violation of the mob. It had been understood among those who instigated these atrocious proceedings that the relics were to be

brought into a common stock and equitably divided among the conquerors; but each ecclesiastic seized and secreted whatever he could. The idolatrous state of the Eastern church is illustrated in some of these relics. Thus the Abbot Martin obtained for his monastery in Alsace the following inestimable articles: A spot of the blood of our Saviour; a piece of the true cross; the arm of the apostle James; part of the skeleton of John the Baptist; and a bottle of the milk of the Mother of God. In contrast with the treasures thus acquired, may be set the relics of a very different kind, the remains of ancient art, which at the same time they destroyed, namely, the bronze charioteers from the Hippodrome; the she-wolf suckling Romulus and Remus; a group of a sphinx, river-horse and crocodile; an eagle tearing a serpent; an ass and his driver, originally ordered to be cast by Augustus in memory of the victory of Actium; Bellerophon and Pegasus; a bronze obelisk; Paris presenting the apple to Venus; an exquisite statue of Helen; the Hercules of Lysippus and a Juno, (or Bona Dea,) formerly taken from the temple at Samos. The bronzes were melted into coins, and thousands of manuscripts and parchments were burned. From that time the works of many ancient authors disappeared altogether" and Rome began to write its fabulous history anew.

"With well-dissembléd regret, Innocent took the new order of things in the city of Constantinople under his protection. The bishop of Rome at last appointed the bishop of Constantinople. The acknowledgement of papal supremacy was complete. Rome and Venice divided between them the ill-gotten gains of their undertaking. If anything had been wanting to open the eyes of Europe, surely what had thus occurred should have been enough. The pope and the doge —the trader in human credulity and the trader of the Adriatic—had shared the spoils of a crusade meant by religious men for the relief of the Holy Land. The bronze horses, once brought by Augustus from Alexandria, after his victory over Antony and transferred from Rome to Constantinople by its founder, were set before the Church of St. Mark. They were the outward and visible sign of a less obvious event that was taking place. For to Venice was brought a residue of the literary treasures that had escaped the fire and the destroyer; and while her comrades in the outrage were satisfied, in their ignorance, with fictitious relics, she took possession of the poor remnant of the glorious works of art, of letters, and of science. Through these was hastened the intellectual progress of the West."[10]

Thus fell the empire of the Cæsars; and thus perished, by the hands

[10] Draper's "Intellectual Development of Europe," II, 56.

of Christians, the city holiest of all others to the Christian religion. The Franks and Venetians, after slaughtering and stripping the inhabitants, robbed the altars of their sacred vessels and even dug up the bodies of the dead from the cemetaries, to plunder from them the gifts of sorrow and piety. Upon a division of the spoil, the Venetian share was valued at 900,000 marks of silver, a sum so trivial and inadequate, as to suggest enormous sequestration on the part of the soldiers. The share of territory was of far more importance to the new republic, for it secured to it the coveted trade to India. The pontificate, under whose auspices this expedition had been organized, was too well aware of the stupendous consequences that might arise from its success, to take an active part in the matter, and even affected some show of displeasure at the zeal displayed by the allies. Nevertheless, in accepting from the Latin emperor Baldwin, what that puppet of the hour choosed to style "the restoration of his (the pope's) authority in the East," but what was in reality the entire sovereignty of christendom, it accepted and enjoyed its share of the profits. Nor was this sovereignty a mere name. The claims of Cæsar were now hushed forever; and the pontifex-maximus, freed from his faded but still tenacious suzerainty, could lay lawful hands not only upon the benefices and livings of the East, not only upon the lucrative prerogatives hitherto enjoyed by the Basileus throughout both east and west, but also upon that crown of the Sacred empire which proclaimed its wearer to be the veritable King of Kings and Lord of the Earth.

CHAPTER XIII.

GUELPH AND GHIBELLINE WARS.

Brief triumph of the Holy See—The Empire takes alarm—Frederick II.—Renewal of the Guelph and Ghibelline wars—Contest for the bones of the Sacred empire—Out of this contest arises the independence of the feudal princes—The Empire is lost to both contestants.

BUT these hopes proved illusive, for with the Sacred empire fell also that Medieval creation which the pope had intended should usurp its place. The constitution of the latter empire had not been that of a state, but of a struggle. An hierarchy with one head has a tendency to slowly feudalize and disintegrate; an hierarchy with two heads is a government born to destructive civil wars and rapid decay. The peaceable existence of such a monstrosity is impossible. The Medieval hierarchy owed its creation neither to Buddha, Julius Cæsar, nor the Donation of St. Peter; but like the "restored" statues of our archæological museums, it was a graft of one upon the other, a Christian head stuck upon a pagan body.

Impious as the ancient constitution had been in its demand for the worship of Cæsar it had at least the merit of being congruous and harmonious in all its parts. All powers began and ended with the Sacred College, an organization so ancient, so complete, so respectable, that from the assumption of the high priesthood by Cæsar, down to the schism out of which the Medieval empire emerged, the Church was enabled to retain the management of all the affairs of state, not only benefices, fiefs and revenues, but also marriages, divorces, adoptions, burials, testaments, slavery, manumission, and an hundred other institutions and incidents of social life, down to the holding of markets and fairs, the grinding of corn, and the digging of sewers. So long as the emperor and high-priest were one, these prerogatives of the ecclesiastical organization contributed to sustain his power; the moment they became two, the same prerogatives were turned into bones of contention. In the Medieval constitution this lack of unity and harmony came into high relief. Like the religion, the history, the scriptures, the statues, the paintings, the coins, the architecture of that age, it

was a mere copy of the Sacred constitution, with all the finer parts erased.

The triumph of the Latin See over the fall of Constantinople was short-lived. No sooner was the astounding news disseminated throughout the Western empire than the latter was thrown into the most violent agitation and the contest between emperor and pope was renewed. This time Guelph and Ghibelline met to decide the sovereignty not merely of the West, but of the entire Roman world, both east and west. They met to affirm or condemn the act of Julius Cæsar, which had converted the republic of Europe into an hierarchy. They met to settle the feuds which had arrayed Clovis against Symmachus, Ethelbert against Gregory, Charlemagne against Hadrian, and Henry against Hildebrand. It was a contest between monarchs who were determined to rule a secular state, and pontiffs who saw no salvation for mankind but through the medium of an hierarchy. In front of this historical background were arrayed the prizes which awaited the victors: dominion, authority, the right to govern, to tax, to impose royalties, to exact seigneurial dues, to reserve the profits of coinage, to buy with one scale and sell with another, the right to lands, escheats, mortmain, inheritances, donations, benefices, investitures, livings—these formed an array tempting enough to incite the western world to the bitterest warfare it had ever undertaken.

After a preliminary skirmish, in which the pontificate, resorting to its ancient tactics, sought to play off Otto against Philip, and only escaped defeat through the mysterious assassination of its enemy, the real contest commenced with the advent of Frederick II. This was a monarch whom neither the threats nor the wiles of ecclesiastical hatred could terrify or deceive. "Out of the long array of the Germanic successors of Charles, he is, with Otto III., the only one who comes before us with a genius and a frame of character that are not those of a Northern or a Teuton. There dwelt in him, it is true, all the energy and knightly valour of his father Henry and his grandfather Barbarosa. But along with these, and changing their direction, were other gifts, inherited perhaps from his Italian mother and fostered by his education among the orange groves of Palermo—a love of luxury and beauty, an intellect refined, subtle, philosophical. Through the mist of calumny and fable it is but dimly that the truth of the man can be discerned and the outlines that appear, serve to quicken rather than appease the curiosity with which we regard one of the most extraordinary personages of history. A sensualist, yet also a warrior and a politician; a profound lawgiver and an impassioned poet; in his

youth fired by crusading fervour, in later life persecuting heretics while himself was accused of blasphemy and unbelief; of winning manners and evidently beloved by his followers, but with the stain of more than one cruel deed upon his name; he was the marvel of his own generation; and succeeding ages looked back with awe, not unmingled with pity, upon the inscrutable figure of the last emperor who had braved all the terrors of the Church and died beneath her ban; the last who had ruled from the sands of the Ocean to the shores of the Sicilian sea. But while they pitied, they condemned. The undying hatred of the papacy threw around his memory a lurid light; him, and him alone, of all the imperial line, Dante the worshipper of the empire, must perforce deliver to the flames of hell."[1]

In vain did the council of the Lateran, (1215,) declare the supremacy of the pope above all earthly sovereigns; in vain did the pontificate circulate the numismatic proclamation of its newly fledged authority, whereon Christ is depicted holding in his left hand a book inscribed with the legend: "The vow of the Roman senate and people: Rome the Capital of the World!"[2] To its dismay the Latin See discovered that it could no longer charm with the name of the Sacred empire. Not only had Frederick learnt many things during his sojourn in the East, so also had the other crusaders. The Treaty of Seltz was buried in the ashes of Constantinople, but its ghost stalked through the land and awakened the feudal princes to the consideration of the rights it had embodied. So long as the Basileus remained, his authorty in certain matters was never questioned, either by them or by their suzerain, the emperor or pope, whichever he had been. But now the case was different, and those who were not actually in the struggle between these great powers merely awaited its final issue to assume that complete independence of both, which they had long desired but had never ventured to assert against the traditional policy and superstitious veneration of christendom for the sacred prerogatives of the Basileus.

In the assertions and proclamations of his claims to supremacy Frederick was not a whit behind the pope. He called himself Ever Augustus and Sacred Emperor; he alluded to his empire as that of the Cæsars; the peculiar prerogative of supreme rulers, the freedom of cities, which Innocent III., had granted to the municipality of Rome, he sold to that of Lubeck;[3] and either to anticipate or match the pope's sacred coins of gold, he issued during the same year the magnificent *augustals*, boldly stamped with the eagle of Rome, which constituted the first gold

[1] Bryce, 207-8. [2] An issue of gold coins. Muratori, II, 559-69; Gibbon, VI, 537.
[3] In 1226, for 60,000 marks a year. Anderson, I, 202.

coinage of any Christian prince, except the Basileus, for upwards of four hundred years.[4] The brilliant treatises of Gibbon, Hallam, Bryce and others render it superfluous to pursue the story of this memorable struggle any farther. In each step of the contest between pope and emperor, the coinage of gold will be found, like a park of artillery, behind the front rank of the combatants. Its sacerdotal and political significance were never lost sight of. Gold coinage was the mark of supreme authority. The prince who struck silver might be a vassal to some distant pontifex or emperor; but he who struck gold was an absolute monarch, a sovereign by the grace of God.

To sustain their respective claims, the contestants also invoked the Civil Law; the school of the learned Bartolus resounded with the doctrine that the emperor of the West was the rightful sovereign of the earth, from the rising to the setting of the sun; that he alone could lawfully confirm, confer, create or withhold kingdoms, dukedoms, and principalities; and these claims were popularized in the "Saxon Looking Glass," a work of the twelfth century, but copied in vast numbers during the thirteenth and widely circulated and accredited throughout northern Europe. On the other hand, Boniface VIII., claimed that "God had set him over kings and kingdoms," and that, for example, he possessed the right to deprive Philip le Bel of the throne of France and confer it upon Albert of Hapsburg.[5] John XXII., even assumed the right to shift the imperial crown from the head of Louis IV., to that of Frederick of Austria; and in response to the Ghibelline theory of empire, the see of Rome issued the "Suabian Looking Glass," which became of equal credit in southern Europe. It maintained that the earth was given by God to Christ, by Christ to Peter, and by Peter to the pope, who was therefore its lawfully appointed sovereign. This was the same pretty doctrine that Pizarro afterwards preached to Atahualpa, and that was swallowed up and lost in the mighty canyons of the Cordilleras.

[4] These augustals were struck about 1225, and therefore preceded the Italian florins. The former contained 81 to 82 English grains, the latter 56 grains each. The specimens of augustals in the British Museum appear to be of fine gold.

[5] See this Pope's bull in Henry, History Br., IV, ii, 40. Also in Haydn, voc. "Pope."

CHAPTER XIV.

ENGLAND, A PROVINCE OF THE EMPIRE.

In the Fifth Century Britain was a sub-province of Roman Gaul—Revolt of all the western provinces against vicarious government—Restoration of Roman authority under Justinian—Breaking down of the colonial system of government—Steps in the severance of Germany from the Roman empire—Supreme sovereignty pretended to have been assumed by the pope after the assassination of Maurice—Secession of Italy in the reign of Leo the Isaurian—Peter's pence or Rome-scat paid by Ina, papal patrician of Wessex—Papal tribute of Ethelred I.—Offa refuses homage to the pontificate—Crowning of Charlemagne—General acknowledgment of his claim to the suzerainty of the Medieval empire—Homage paid him by Offa, Eardwulf and other English and Scotch princes—Canute assists at the coronation of Conrad II.—The suzerainty of the Medieval empire wielded alternately by emperors and popes—The pope confers the Roman province of Britain upou William of Normandy—Stephen, Richard I., and John Lackland, all acknowledge vassalage to the Papacy—Crowning of Louis VIII., at London—Vassalage of Henry III. to the Papacy—Edward III., the last English vassal of the Medieval empire—Vassalage of the Medieval kings of France, Spain, Italy, Germany and other provinces of the Medieval empire—Collapse of the Roman system in the thirteenth century.

LONG before the final departure of the Roman legions from Britain, that country, without counting Britannia Barbara, was divided into six [1] petty provinces, and these provinces were embraced in the proconsular government of Gaul; so that, true to its vicarious form, the Eastern empire ruled the Western, the Western empire ruled Gaul, Gaul ruled Britain, and Britain was split into six, or seven, sub-provinces. The capital of Britain was fixed at Treves so early as the reign of Maximus, and it was fixed at Arles so late as that of Maurice; for it is alleged that in 598 Pope Gregory directed the archbishop of Arles to appoint Augustine as bishop to Britain. [2] From these circumstances it follows that whatever political relations can be shown to have existed between the Basileus and the proconsuls, prætorian præfects, or dukes, of Gaul, at least down to the secession of the Latin See from

[1] Britannia Prima, Secunda, Maxima Cæsariensis, Maxima Flaviensis, Valentia and Vespasiana. The last is from Richard of Cirencester as quoted by Stukeley. Sir F. Palgrave, I, 350. Britannia Barbara made a seventh province.

[2] Sir F. Palgrave, I, 354-9; Guizot; Wright; Dr. Henry, II, 193.

the Empire, must be extended to those of Britain, as being subsidiary to Gaul.

Under Augustus, Trans-Alpine Gaul, excluding the two provinces of Germany, was divided into four provinces, Narbonensis, Aquitania, Lugdunensis, and Belgica. In the third century, Gaul was united with Germany, Spain and Britain, into one province. By the fourth century, the influence of feudalization had split it into twenty-seven or more provinces or dioceses, of which Gaul retained seventeen, Britain had seven, and Spain three. One proconsul, prætorian præfect, or duke, ruled the whole of these dominions, and held his court at Treves. He held directly from the Sovereign-pontiff of Byzantium, paid him homage, and coined (silver) money in his name. Under this prætorian præfect was a vice-præfect to each one of the twenty-seven or more sub-provinces mentioned. The vice-præfect, or governor, controlled the military forces, lands, treasury, posts and administration of justice. Originally his functions also included the regulation of public worship, but this was gradually taken from his hands by ecclesiastics sent from Rome, a policy that greatly weakened his control. The free cities, of which there were a few, also held direct from the Sovereign-pontiff of Byzantium, and (except as to ecclesiastical control when the pontiff became separated from the sovereign) they were not answerable to any other authority. After the establishment of christianity, an officer called a defensor, was established in most of the towns, whose authority was independent of the governor or sub-præfect. This further tended to weaken the latter's authority. Toward the end of the fourth century, the civil administrations of the sub-provinces began to fall, one after another, into provincial or barbarian hands. Toward the end of the fifth century, the only portion of Gaul that seems to have retained a Roman governor was the central portion from the Somme to the Loire, then, (A. D. 496,) under the command of the vice-præfect Siagrius. Belgium was governed by Salian Frankish chieftains, Burgundy by Ripuarian-Frankish chieftains, Aquitania by Visigothic chieftains, Armorica by an administration of confederated cities, and Britain by half a dozen Gothic konungs. [3]

[3] It is entirely misleading to regard these chieftains as kings in the modern sense of the term. Knung was the Mongol name for a military chieftain of the second rank. Du Halde, History China. Kung in Chinese and Kahn in Afghanese have the same meaning. A chieftain, or, to use a Roman term, a centurion, commanding one hundred men, sometimes only fifty men, was called a king. Hampson, Orig. Patriciæ; Ainsworth, Dic., voc. Rex. "Of so little significance was the title of king compared with the ideas which it now suggests, that it graced the names of all kinds of petty chieftains and conferred the denomination of kingdom upon the people of territories of no greater space

The feudalization of the provinces having proceeded to the point where it became impossible for the boroughs to communicate with the imperial throne, either to obtain justice, or to seek relief, it gave rise to that upheaval of the sub-provinces which swept away the prætorian præfects and left their government in the hands of sub-præfects, governors, or "kings," some of whom were Italians, but the most of whom were provincials, aided by barbarian bondsmen, or allies. This upheaval against a previous feudalism has been curiously perverted into a Barbarian Conquest, from which it is claimed that feudalism took its origin some centuries later. On this subject we have already given the evidence of the monuments. Except perhaps during a brief interregnum which followed the accession of a rebel governor in each sub-province, when success and readjustment temporarily encouraged the chieftains to exercise independent power, they all governed in the name of the Roman (Byzantine) emperor or Basileus, they paid to him homage and tribute, they respected his prerogatives, they stamped the imperial effigies upon their coins, and they compelled their subjects to obey the imperial laws.

Clovis, after having defeated Siagrius at Soissons and after ten years of abortive attempts to govern a Roman province with Frankish laws, accepted, in 496, his diploma, his purple robe, and the ceremony of baptism, from the Christian emissaries of the Basileus. Theodoric, a barbarian, exhorted the Roman people, his subjects, to emulate the virtues of their (Roman) ancestors; while Athanaric the Ostrogoth never ventured to address the Conscript-Fathers but with respect, reverence and submission.[4] "The Goth, the Frank and the Lombard, copied the state and assumed the dignity of the former masters of the world," says Sir Francis. The masters whom they knew, were not the emperors, but the proconsuls. That the interval of provincial

than an English park of average dimensions." Hampson, 199. When Eric Blodöxe was slain in Northumbria, five kings shared his fate. Hakonar Godakin's Saga, c. 4. In a similar way the petty Danish leaders were called kings. "There lay on the field five young kings with swords appeased." Battle of Brunanburgh, A. D. 938. The laird of a clan in the Hebrides was called a king. Hampson, 201. The barbarian "kings" were in fact merely chieftains. The name and office of king were unknown to them. Allen, on the Royal Prerogative, p. 11. "It is evident that Anglo-Saxon chieftains of minor power were denominated kings, and hence it may be argued that the title had no particular importance." Sir F. Palgrave, II, 342. Cortes gave similar titles to the chieftains of petty tribes. Help's, Conquerors of America. For further remarks on Anglo-Saxon "kings" see the Index. The title of Kong is still employed by the sovereigns of Denmark, Sweden and Norway.

[4] Sir F. Palgrave, I, 360; see also Cassiodorus, Var. I, 4, 31; II, 24, 32; IV, 6; V, 4; Du Bos; Montesquieu; Savigny, etc.

independence was brief, appears from the narrative of Procopius, who mentions the indignation of the Basileus toward a Frankish king for daring to strike gold. This was Clothaire, son of Clovis, who at once admitted the suzerainty of the Basileus, by refraining from any further commission of the offence, and by striking his silver coins under the authority of that Sacred sovereign. Such, too, was the practice of all his successors, until the secession of Rome from the empire put an end for a time to their reverence for the Basileus.

Rome did not sever its relations with the Eastern empire in a day, but by a series of events which, commencing in the seventh century, did not quite terminate until the thirteenth. It was Pope Gregory who threw down the gauntlet, by sweeping away Maurice and worshipping Phocas; it was Theodorus who announced himself a sovereign-pontiff; Leo II. who assumed the right of investiture; and Constantine who first compelled the western princes to pay him homage and kiss his sacred feet. Finally, it was Gregory II., who seceded from the empire, and Leo III., whose bargain with Charlemagne substantially completed the rupture. Then it was that the homage which the western princes had formerly accorded to the Basileus and for a brief interval had rendered to the Latin See, was transferred to the German emperor, to whom, or to his alternate the pope, this homage continued to be paid, until the Fall of Constantinople completely severed the relations of Rome to the Basileus and at the same time ended the subordination of the western princes to Rome. These feudal relations it is now proposed to prove by four different classes of evidence: First, the claims of suzerainty and prerogative on the part of the Basileus; Second, the claims of the German emperor, or else the pope; Third, the vassalian acts of English princes; and Fourth, those of other western princes.

First.—The jealous watchfulness of the Vatican has permitted no documentary evidence to remain of the suzerainty claimed by the Basileus, but it is submitted that the evidences already adduced, drawn from archæology, laws, customs, religion and a variety of other sources, are sufficiently ample, indeed that the prerogative of the gold and bronze coinages alone prove the case.

Second.—If we turn to those claims of empire which were made either by the pope, or the German emperor, and sometimes by both, we shall find further corroboration of the broad view that, down to the Fall of Constantinople and for some time afterward, the kingdoms of the West were generally regarded as—and that they admitted themselves to be—fiefs of the empire. In the Frankish constitution, which

he fondly hoped would permanently govern the empire, Charlemagne had provided for the collection of tithes from the western princes; and there can be little question that the submission to such an impost was tantamount to an act of homage to his empire. [5] The Peter's-pence remitted by Ina of Wessex was paid to and upon the demand of the pontificate, after the popes had renounced their allegiance to the Basileus and declared themselves to be the sovereigns of christendom. The homage and tribute paid by Offa has already been commented upon. Whichever way it is viewed, it implies vassalage. After the Norman conquest all tithes went to Rome; a fact that implies homage to the pontificate. It is true that similar tithes to Rome were paid by English princes down to the reign of Henry VIII., but these were voluntary and not compulsory. The payment of such compulsory tithes constitute an act of homage on the part of the English kings. They ceased with Edward III.

Among other evidences of German imperial claims of dominion over the western provinces are the following: In 1042, Ferdinand of Castile, proud of his Moorish conquests, took upon himself the title of Emperor of Spain. This was resented by the emperor Henry III., who, as the "successor of Honorius," claimed "indelible" supremacy over all the western provinces of Rome; and who in the council of Florence 1053, called by Pope Victor II., complained of Ferdinand's presumption. Messengers were accordingly sent to Spain to demand obedience and homage to the empire. The matter being submitted to Ferdinand's council, (called the Cortes,) and to the Castillian generalissimo the Cid Campeador, it was resolved to resist the claims of the emperor Henry, and ten thousand men, besides a detachment of "tributary Moors," were placed in the field and marched to Toulouse, there to await the pope's decision in the matter. After some altercation, Ferdinand yielded his pretensions to independent power, and the pope received a solatium for settling the dispute. [6] Here was a claim of temporal empire on the part of Henry, dating from the Roman emperor Honorius, and extending over all the western provinces, including not only Spain, but also Gaul and Britain, a claim that so far as it affected the independence of Spain, was settled in favour of the German emperor.

In A. D. 1000 Stephen, duke of Hungary, adopted the Roman Cath-

[5] Bryce, 67, says these tithes were payable to the Latin pontificate, but this is incomprehensible, when and so long as the pontificate was subject to the empire, that is, during the reign of Charlemagne and at some other periods.

[6] Callcott's Spain, I, 280.

olic religion and received from the pope the title of king, paying the latter homage. His successor, Peter the German, 1036-41, paid homage and tribute to the emperor Conrad II., the Salic. [7] In 992 Boreslas I., of Poland paid homage to the emperor Otho III., and received from him the title of king. In 1082 the pontificate degraded the kingdom of Poland to the rank of a dukedom and continued this degradation for more than two hundred years. [8] In 1181 the emperor, Frederick I., banished Henry the Lion of Brunswick to England, where he remained at the court of Heary II. for nine years, and until after Frederick's death. The implication of suzerainty on the part of Frederick and of vassalage on the part of Henry of Brunswick, contained in this transaction, depends of course upon whether the authority exercised by the former was submitted to as lawful, or from military necessity. When it is proved that Henry II. was avowedly a vassal of the empire, the like political relation of Henry of Brunswick almost follows as a matter of course. The opposite view that Henry the Lion, (who was the brother-in-law of Richard, afterwards King Richard I.,) voluntarily submitted to remain a prisoner with one of the emperor's vassals, is hardly tenable.

In 1192 the emperor Henry VI. ordered Leopold I., duke of Austria, as a vassal of the empire, to detain as a prisoner Richard I., of England, who had been shipwrecked at the head of the Adriatic gulf. This act has been variously imputed to revenge on the part of Leopold, to the emperor's desire of ransom, to jealousy on the part of Philip II., to envy on the part of John Lackland, and to a variety of other reasons suited to patriotic and popular tastes. However this may be, it cannot be disputed that Richard formally acknowledged himself a vassal of the Medieval empire, and that after his release and the death of Henry VI. he voted as a prince of such empire at the election of the emperor, Frederick II.

In 1213-16 Pope Innocent III., treating the kings of Aragon as his vassals forbade them to further lower their coins, a command to which they submitted by a declaration included in their coronation oath. [9] However, when Gregory X., at the Council of Lyons, 1274, refused to acknowledge Don Jayme as king of Aragon, unless he would pay tribute to the Latin See, Jayme replied that it would be an unworthy act for him to pay tribute for a kingdom which he and his ancestors had wrested from the infidel Moors. [10]

In 1237 the emperor Frederick II., by special messengers and im-

[7] Voltaire, II, 192. [8] Anderson's History Com., I, 121.
[9] Bodin, contra Malestroict, MS. trans., p. 134. [10] Calcott's Spain, I, 456.

perial letters summoned "all the great princes of the World to assemble on the day of St. John Baptist's nativity at Vaucouvers, * * * there to discuss some difficult matters concerning the empire." [11] King Henry III. of England responded to this invitation by sending an embassy of lords and prelates headed by his brother Richard, earl of Cornwall He intended to include the bishop of Winchester, but the latter successfully excused himself by alleging the impolicy of sending one of whom "the king had lately made complaint before the emperor." The claim of sovereignty here set up by Frederick is clearly allowed by Henry, both in preparing the embassy and admitting the validity of the bishop's excuse. In 1241 the emperor wrote to King Henry that God had "decreed that the Machine of the World is to be governed not alone by the priesthood, but by sovereignty and priesthood together." [12] In 1241 the emperor wrote to the king of England and the other princes of the Roman empire, attributing the Tartar Invasion to the dissensions of christendom created by the pope; he entreated them to sustain "the victorious eagles of the puissant European empire" and exhorted "Germany (Almaine), Dacia, Italy, Burgundy, France, Spain, England, Apulia, Ireland, Scotland, Norway, the Islands of the Sea, and every noble and renowned country lying under the Royal Star of the West," to rally to the defence of the empire. [13] In 1257 both Richard, duke of Cornwall, and Alonzo the Wise, king of Castile, were elected emperor. This "may be construed to imply that the Spanish kings were members of the empire," says Bryce, 186; but he seems unwilling to apply the same rule to the English princes. In 1344 during the reign of Edward III., the pope, Clement VI., created Louis of Spain prince of the Fortunate Islands. The English legate at the papal court supposing that by this term was meant the British Islands, immediately informed the king of the danger that awaited him. [14] The belief that the pope had the right to make such an appointment proves that the king of England was not yet free from the suspicion of his being still a vassal of the empire.

In 1347 Edward III., king of England, was actually elected emperor against Charles I., king of Bohemia, but was prevented from accepting the now empty office, owing to the objections of his parliament, whereupon the king of Bohemia ascended the Medieval imperial throne and occupied it until 1378. [15]

So late as the sixteenth century, John, king of Denmark and Sweden, subdued a revolt in the last named country, degraded its principal men,

[11] M. Paris, 1, 53. [12] M. Paris, 1, 355. [13] M. Paris, 1, 347.
[14] Seven Ages of England, p. 109. [15] Bryce, 223, 225.

seized their estates, caused these acts to be confirmed by a subservient "Senate," and then solicited the approval of the emperor Maximillian. The latter wrote in 1505 to the states of Sweden "that they should obey, otherwise he would proceed against them according to the laws of the empire."[16]

Third.—We now come to the direct evidences of homage paid by English princes to the emperor. M. Guizot has shown that at the beginning of the fifth century the western empire was governed, in the name of the Basileus, by a prætorian præfect, whose court was at Treves, and whose authority was exercised through some twenty or thirty-odd sub-præfects—either consuls or presidents—each of whom governed a sub-province and in turn exercised his authority through a great number of other officers. But he has omitted to show in the same connection that in the course of a few years the whole of this fine system tumbled to pieces and had to be reconstructed upon the basis of more Direct Government, the sub-provinces being now in the hands of provincial, or "barbarian," princes and paying their Rome-scat or tribute direct to the Basileus. Such, in fact, was the position of affairs at the beginning of the sixth century, a position that enabled Justinian to declare, with some justice, that the provinces were "restored once more to the dominion of Rome, our Empire, after so long an interval," and that furnished him his warrant for assuming, among others, the proud titles of "Alamannicus, Gothicus, Franciscus, Germanicus, Anticus, Alanicus, Vandalicus and Africanus." But an hierarchy cannot long continue to rule directly, and in the course of another century this colonial system broke down, and then followed another interval of anarchy, during which the western provinces neither paid taxes nor derived from the imperial government those advantages of law-courts, police and administrative control, which they had been wont to receive in return. It was during this interval that Rome seceded from the Basileus and laid the foundation of the Medieval empire. One of the first measures of the secession was the re-imposition of those taxes which formerly had been remitted to Constantinople. The secession took place in 726; the imposition of Peter's pence began in England during the year following. There cannot be the least doubt that the imposition and payment of this tax amounted to an exertion of sovereignty on the one part and an admission of vassalage, on the other. It was in lieu of the taxes or tribute which had previously been paid to the Basileus; it was not requested as a favor, but demanded as a right; failure or neglect to pay it was invariably punished by such means as the pope

[16] Puffendorf; also Voltaire, Gen. Hist., III, 183.

had at the time the power to exercise; and alacrity in discharging it was rewarded in a corresponding manner. Thus, Ina of Wessex, who commenced to pay Peter's pence in 727, was at once appointed a Patrician of Rome, the acceptance of which title, as well as the payment of the tax, proclaiming him a vassal of the Western empire.

But although the pope's assumption of imperial authority and his treasury drafts on the western feudatories were honoured by the Christian, they were repudiated by the pagan, princes. Ina and Alfred [17] acknowledged the suzerainty of the pope and paid his tribute-drafts, but Offa (at first) and Desiderius (always) repudiated both. It was precisely this refusal of the pagan princes that rendered necessary the military arm of Pepin. Had the western world been entirely Christian, neither Pepin nor Charlemagne would probably ever have been heard of; there would have been no obstacle to the ambition of the Latin pope, and he might have conducted his campaign against the rule of Constantinople single-handed. Hence between the pope's abortive secession in 642 and his practical secession in 726—or rather the crowning of Pepin in 754—the acts of homage offered to Rome were confined to the Christian princes, whilst between the crowning of Pepin and the death of Charlemagne, similar marks of homage were one after another yielded by all the princes within reach or under the influence of those conquerors. Afterwards, except when the two heads of the imperial eagle edified the feudatories by picking at one another, feudal subordination to Rome became so general, both by Christian and pagan princes, that the chroniclers of the times seldom deemed it necessary to mention them. However, a sufficient number of instances has been recorded, to place the fact and the custom beyond dispute.

During the reign of Charlemagne homage was paid to the empire by Eardwulf and other kings of Northumbria, by the kings of Kent, who applied to the emperor for aid against Offa. Like homage was paid by the Scottish kings.[18] There are modern patriots who have tried to destroy the significance of these acts by attacking them when separated from the main body of evidence on the subject; but none as yet have had the courage to face them in column. Among the pagans who held out longest against submission to the Medieval empire, was Offa of Mercia, the most powerful of the various chieftains who at that period ruled the provinces or "kingdoms" of Britain. The aid afforded

[17] It will be remembered that the epithet of Great was always reserved for those princes who were most useful or beneficial to the church, *e.g.*, Alexander, Quintus Fabius Constantine, Theodosius, Charlemagne, Alfred, etc. In fact "Great" is nearly always an ecclesiastical title.

[18] Eginhard; Palgrave, I, 484; Freeman, I 40.

or threatened to be afforded against him, by Charlemagne, to the hostile kings, north and south of his frontiers, appears to have decided him, and he seems to have sent in his allegiance before the year 790. Three years previously, the second council of Nicæa had approved the adoration of images. Without waiting to call a council on the subject, this form of idolatry was at once disapproved by Charlemagne, and notice of his displeasure, together with the reasons therefor, was sent out to all the princes of the west, among others to Offa.[19] This would hardly have been done unless Offa had previously acknowledged his vassalage to Charlemagne. In 790 Offa sent Alcuin to Charlemagne charged with the renewal of his homage and vows of fealty; and such was Charlemagne's gratification at this further mark of submission that he retained the messenger in his imperial service and loaded him with benefits. In 792 Ethelbert, king of East Anglia, was killed at the court of Offa, and the crime being fixed upon the latter by the clergy, they made so much of it as to excite the nobles and induce Offa to repair to the court of Rome. While there (793) he made, or it is claimed that he made, the following concessions: to pay homage to the pope, to enforce the payment of tithes throughout his kingdom, to support an ecclesiastical establishment, to pay Rome-scat or Peter's-pence annually, and to pay 365 mancusses down.[20] In return for these concessions Offa was elevated to the dignity of Roman patrician. Assuming this account to be true, Offa must have soon repented of his bargain, for in the following year, after the Council of Frankfort had issued its condemnation of image-worship, he struck those heretical mancusses or dinars which are described at length in another part of this work. If Offa ever transferred his allegiance to Rome, as is alleged by the church, he must have retransferred it to Charlemagne, when he returned to England.[21] Offa's ordinances have all been destroyed.[22]

During the ninth century Egbert of Wessex paid homage to Charlemagne. His son Ethelwolf was brought up as a priest and paid his homage to the pope. Upon his return from Rome, being then a widower, he was induced to marry Judith (daughter of Charles the Bald of France), a devotee of the church. Alfred, (the Great,) the son of Ethelwolf by his first wife, was anointed by the pope of Rome when

[19] Timpson's Ecclesiastical History.

[20] Longperier gives a full accouut of this transaction. Timpson's "Ecclesiastical History," p. 110, says 365 marks, but this is evidently a blunder. The dinars, or mancusses, struck by Offa constituted substantially the only gold coinage of England during a period of four hundred years.

[21] On this subject consult John of Wallingford, p. 529; Freeman, 1, 40, 625; and Collier, Ecc. History, 1, 142.

[22] Palgrave, 47.

he was but five years of age, and, under the care of his pious mother-in-law and ghostly uncle (St. Noët), was carefully trained in that devotion to the pontificate which he had been taught to vow in his childhood. For this he was afterwards rewarded with an heroic history and a glorious title. Some further details touching the vassal condition of these princes are mentioned in another place.[23] Ethelred I., king of Kent, granted to the pope (when the latter had wrested the empire from the weak hands of Charlemagne's sons) one-tenth of his lands, measured by metes and bounds—free from the Three Necessities. These were taxes on the land; the bridge and fort taxes; and military service. This act may be fairly regarded as one of homage to the pontificate.[24] At the council of Gratanlea assembled by Athelstan king of Wessex in 928, the first canon provides for the payment of tithes, both of cattle and corn, and in one of the copies, (the second canon,) provision is made for the payment of Peter's-pence.[25] In 938 Athelstan married his daughter, or sister Eadgith, to Otto I. This was the emperor who was crowned at Aix-la-Chapelle in 936 and at Rome in 962, after he had subdued one pope and set up another of his own making. Over this pope (Leo VIII.,) he claimed and exercised the rights of a suzerain. These circumstances afford corroboration, were any needed, concerning the relation of vassal and suzerain which it is claimed existed between Athelstan and Otto; for unless such feudal relations existed and were intended to be acknowledged by the English prince, he would hardly have compromised his position with the pontificate by consenting to a matrimonial alliance with the emperor, the nature of which at that period was so susceptible of being misconstrued.[26]

The constitutions of Odo issued in the name of the pope, by Odo, archbishop of Canterbury, during the reign of Edmund I., (A.D. 943,) contain the following language: "I command the king, the princes and all in authority to obey."[27] In the second canon of the council of London assembled in 944 by Edmund I., all persons were commanded to pay tithes and Peter's-pence to the pope.[28] Canute king of England, together with numerous other western princes, assisted at the Roman coronation of the emperor Conrad II., an act which in the medieval ages was taken to imply an admission of vassalage. Says

[23] Consult also Asserius, vita Alfredo; Henry, II, 55-66; Bryce, 70; Timpson, 117.
[24] Palgrave, 158.
[25] Spelman, Concil., tom. I, pp. 401-2.
[26] Not only Otto I., but also Henry V., and Frederick II., married English princesses.
[27] Spelman, Concil., I, 416; Wilkin, Concil., I, 212.
[28] Henry, History of Britain, II, i, 265.

Wippo (c. 16) of this transaction: "His ita peractis in duorum regum præsentia Rudolfi regis Burgundiæ et Cunatonis regis. Anglorum divino officio finito imperator duorum regum medius ad cubiculem suum honorifice ductus est." Mr. Bryce, to whom we are indebted for this quotation, regards Canute's assistance at this function to be a mere act of courtesy, an opinion which is not confirmed by the use which that author makes of similar "courtesies" from the countries other than his own, for example, Denmark, Burgundy and Poland. (Holy Roman Empire, p. 186.)

Edward Confessor was a Saxon by name, a Norman by education and a Roman by adoption; an unnatural son, an impotent husband, and an heirless king; a monk and a confessed vassal of the pope, to whom he owed his elevation. He was placed upon a throne which he neither merited, inherited, nor won, and there he sat whilst the true heir was exiled in foreign lands where he was continually menaced by treachery and poison. Upon the death of Edward Confessor the English crown, contrary to the wishes of Rome, was seized by Harold II., son of Earl Godwin. Within the same year (1066) Harold was deposed by Alexander II., one of the Hildebrandine popes, and his kingdom given to William of Normandy, who, armed with a papal warrant, was enabled to collect a sufficiently large following both in France and England, to defeat and supplant his rival. The pope blessed the banner under which William was to conduct his conquest of England and excommunicated in advance all who might oppose this design. Under these pontifical directions the English bishops met together and decided to deliver up the kindom to the pope's protegé. Accompanied by the nobles and the magistrates and dignitaries in London, the prelates advanced beyond the walls of that city to Berkhamstead, and there offered the crown of England to William. [29] The latter appeared to be so confident of the efficacy of his pontifical warrant, that after formally accepting the crown from these persons, he took no measures to secure the kingdom, but spent his time in hunting and hawking in Hertfordshire.[30]

The bearing of these facts is not altered because a few years later (1075) William refused to Gregory VII. the homage and Peter's-pence which he had gratefully paid to Alexander II. Gregory not only demanded the homage and tribute, but also the arrears of the latter, which he asserted were due from previous years, and he couched the demand in terms whose haughtiness afforded to the wily Norman pre-

[29] Henry, Hist. Br., III, i, 7; Voltaire, I, 165.

[30] Henry, III, i, 8, from M. Pictavin, 205.

cisely that pretext for rebellion which seems to have secretly formed a portion of his original design. [31]

In 1114 Henry I., king of England, married his daughter Matilda to the emperor Henry V., an act that, taken in connection with the other relations of these princes, may fairly be regarded to imply the vassalage of the former and suzerainty of the latter. The feudal subordination of Henry II. is evinced by the submissive letter which he wrote to pope Alexander III., after the death of Becket; by suffering himself to be deprived of his royal title and accepting it again at the hands of the pope's agent; by submitting to be stripped, scourged and personally degraded by the pope's agents; by holding the pope's stirrup (1161); and by numerous other degrading acts. Cardinal Platina, in referring to these transactions, always alluded to Henry as a "vassal" of the pope, his lord. [32]

Stephen, king of England, in a royal charter published soon after his coronation, expressly acknowledged vassalage to the pope; and this vassalage he confirmed by permitting appeals from the courts of law in civil cases to be submitted to the decision of ecclesiastics. [33] Richard I., king of England, paid homage and acknowledged vassalage to the emperor Henry VI. [34] This same Richard wrote to the emperor: "Consilio matris suæ imperatori sicut universorum domino. [35] Henry is said

[31] In 1080 Gregory wrote to William, "Bethink thee whether I must not very diligently provide for thy salvation, and whether, for thine own safety, thou oughtest not without delay to obey me, so that thou mayest possess the land of the living." Bryce, 160, from Migné, CXLVIII, p. 568. In the second sentence of his excommunication which the same pope passed upon the emperor Henry IV., he claimed the right to "give and to take away empires, kingdoms, princedoms, marquisates, duchies, countships and the possessions of all men." Bryce, 161. Consult also Henry, Hist. Br., III,i,276; Epist. Wilhelm, opera Lanfranc, p. 304.

[32] Bartolommeo Plata or Platina, 1421-81, member of the papal college of "Abbreviators" and of the Roman (antiquarian) Academy of Pomponio Leto, the illustrious members of which were imprisoned and tortured by Paul II., upon a suspicion of mutiny and non-conformity, in the preparation or publication of classical books and antiquities. A recent archæological discovery amply confirms the justice of the holy father's suspicions and proves that Platina and his colleagues had discovered the then dangerous secret of the church's history. Lanciani, p. 12. Fathers Pelligrini and Hardouin afterwards made similar discoveries.

[33] William of Malmesbury, p. 102, col. 1; Viner's statutes. At the outset of his reign the emperor Conrad III. wrote to the Basileus John I., "Nobis submittuntur Francia et Hispania, Anglia et Dania." "France, Spain, England and Denmark have submitted to us." Letters in Otto Frey, 1; Bryce, 186*n*. England at this period was governed by Stephen. If he "submitted" to Conrad and the ecclesiastical accounts are also true, then he was doubly a vassal.

[34] Freeman, I, 131. [35] Letter in Hovenden; Bryce, 186.

at his death to have released Richard from his submission.[36] But if so, such release could only have extended to his person; for the latter voted as a prince of the empire at the electionofthe emperor Frederick II.

John, king of England, having seized the possessions of the English church to pay the expenses of a war in France, was, in 1209, excommunicated and outlawed by pope Innocent III., who in 1213 deposed him from his kingdom and conferred the same on Philip II., of France. Upon this, John offered to acknowledge the pope as his temporal lord and suzerain, to do public homage to him, and to pay him tribute. His penance having been accepted, and the homage duly performed to Pandolfo, the pope's legate, the latter ordered Philip to desist from his enterprise, an order which the latter obeyed, though with marked reluctance. The following is the oath of vassalage taken by king John, and, after him, by the sixteen barons of England, at Dover, May 15, 1213: "I, John, by the grace of God, king of England and lord of Ireland, for the expiation of my sins and out of my pure free will and with the advice of my barons, give unto the Church of Rome, to pope Innocent and to his successors, the kingdoms of England and Ireland, with all their rights, and will hold them as a vassal of the pope. I will be faithful to God, to the Roman church, to the pope my lord, and to his successors lawfully elected. I bind myself to pay him a tribute of a thousand marks of silver yearly, that is, seven hundred for the kingdom of England, and three hundred for Ireland." The first year's tribute was thereupon paid to Pandolfo, who affected to show contempt of it, by placing his feet upon it. The crown and sceptre were also handed to him. These he kept for five days, when he restored them to the king, by the favour of their common master.[37] Before the death of John, which was wrought by poison in 1216, Philip, at the petition of the English barons and the king of Scotland, privately sent his son (afterwards Louis VIII.) to execute the pope's original decree. This prince landed at Sandwich in 1216, overran the whole of Kent,

[36] Bryce, 187.

[37] Voltaire, General History, I, 238. Freeman (I, 131) says that John only "commended" his kingdom to the pope. After reading this text of the oath, the reader can judge for himself. Sir N. H. Nicolas, in his "Chronology," p. 309, admits that none of the Anglo-Norman kings, from William I., to Richard I., styled himself in his charters king of his *dominions*, but only king, duke, or count of his *people;* adding that John was the first to style himself sovereign of England. What he omits to say is that John thus styled himself in an oath of vassalage to the pope, his temporal lord and suzerain, in which oath he expressly proclaimed himself a vassal. As for the great seals of Henry II., and Richard I., there is nothing to show when or by whom they were made. There was but one seal, whilst there were many charters, and the latter, therefore, furnish far the better evidence.

advanced to London and was there crowned king of England in May, 1217. "Louis, the eldest and legitimate heir of the French king, was elected Lord and, as it were, King of England."[38] The date of this event, in some modern histories, is placed a year too late, possibly with the object of shortening Louis' occupation of England, which in fact lasted about eighteen months. "A great part of the nobles and many of the principal cities swore fealty to Louis of France."[39] Upon the death of John and through the exertions of earl Pembroke, the Protector of Henry III., Louis was defeated in September of the same year and compelled to evacuate the country, never to return.

The evidences of England's subordination to the Medieval, or, as it was then called, the Holy Roman, empire, during the reign of Henry III., are numerous, not because their political relations underwent any material change, but because the obscurity of the period is elucidated by the valuable chronicle of the monk Matthew Paris, who was often employed about the court, knew many of its secrets, and was not afraid to record them. In 1240 king Henry III. admitted in a letter to his son-in-law, the emperor Frederick, that "he was a tributary or vassal of the pope."[40] And when Frederick reproached the king with permitting the pope "to boast that he has the power of a liege lord over you," Henry replied that "he did not dare to oppose the pope."[41] On the first day (Christmas) of the year 1241 the king at Westminster seated the pope's legate in his own (Henry's) royal seat at table, himself sitting at the legate's right hand.[42] In 1246, at a royal council held in London, the king (Henry III.) addressed to the earls, barons, abbots, and priors, then present, a speech in which the grievous tyrannies, oppressions, and exactions of the pontificate, as they were termed, were alluded to at length. It was thereupon unanimously resolved that the spiritual lords should petition the pope to abate his "insupportable yoke." A similar petition was addressed to his holiness by the temporal lords, clergy, and people in general. A petition to the same effect was also addressed to the pope by the king, and still another one setting forth that the knights' service and military service and horses and arms demanded of England by the Roman See, was an unendurable burden.[43] "These mournful complaints of the king of England and the whole community were treated by the pope with contempt," and Henry, again succumbing to the authority of the pope, "all the endeavors of the nobles, as well as of the bishops, were of no avail, and all hope of the freedom of

[38] M. Paris, II, 406.
[39] Allen, Royal Prerog., p. 46.
[40] M. Paris, I, 257.
[41] M. Paris, I, 268.
[42] M. Paris, I, 318.
[43] M. Paris, II, 148, 153, 155, 156.

the kingdom and of the English church, died away." [44] In 1248 the pope in a conference with the French king at Lyons alluded to "the king of England, as our vassal." [45] It is admitted that by itself the pope's assertion concerning a relation of this kind would possess no historical validity, but it is abundantly evident not only from what is here shown, but also from the further testimony adduced elsewhere in this work, relating to other vassalian acts of Henry III., that this prince was a vassal of the empire. As to whether the pope or the emperor, or both combined, was Henry's lawful suzerain, is a matter which has been discussed already, but concerning which an additional testimony may with propriety be inserted in this place. Among the early "statutes" of the English princes, (the earliest of all being the Magna Charta ratified in 1225 by "the Lord Henry, sometime king of England," and confirmed by Edward I. in 1299,) is "The Award made between the king and his Commons at Kenilworth," in 1266 (51 Henry III.). This settlement, which relates to lands, escheats, etc., begins in the name of the Trinity and of Mary, "the glorious and most excellent Mother of God," and then goes on to recite that "We, William, Bishop of Oxon," and others "appointed to provide for the good estate of the land," according to the form confirmed by the king and "by the assent of the legate of the Apostolic See and the noble H. of Almaine, having like power and authority," etc. As this was during the Great Interregnum, the "noble H. of Almaine," can only mean the Hohenstaufen, who in that year assumed the rights of his grandfather, the emperor Frederick II. If this conjecture proves to be well founded, it follows that Henry confirmed a Settlement which had been made by the united authority of pope and emperor, and whether it is, or not, well founded, it is certain that he permitted the papal legate to fix its terms and figure in the award as a dispenser of "power and authority." In other words, it is not the edict of a sovereign, but of a feudal prince, who is struggling to become one. This document appears in French, with an English official translation, from which last named version the quoted words are taken verbatim. [46]

In 1198, to the petitions of the king Richard of England for relief against certain exactions, the pope answered that he would grant them as far as possible. In the same year the pope exhorted the king to revoke some of his acts and obey the "mandate" of the Apostolic See. In 1201-2, "Otto, emperor-elect of the Romans," wrote to the pope, reminding him that "the king of England was bound to give help to

[44] M. Paris, II, 170, 176.

[45] M. Paris, II, 268.

[46] Statutes at Large, first volume.

the emperor against all enemies, and to make peace with France, as he himself was bound by the order of the pope, whom he thanks, next to God, for his promotion." In 1202 the pope issued his "mandate" to the king John of England to restore certain property which had been confiscated by that prince. In 1203 the king of France was forbidden by the pope to make war on the king of England. In the same year the king John was censured by the pope for his delay in appearing before his liege lord, king Philip of France.[47] No mention of these and other like evidences of the vassalage of the kings of England to the Roman emperor and pope appear in the popular histories of that country, yet that they are valid no one can doubt; and that they prove the continuance of Cæsar's empire and the vassalic condition of England down to the fourteenth century, only the obstinate will refuse to admit. However, the vassalage of the kings of England was fast drawing to an end. The Twelve Tables were destroyed, the Books of the Sibyls were closed; the inspired character of the Æneid was lost; and the empire of Cæsar was fading from sight. At the outset of Edward Third's reign but a flicker of it is discernible; a few years more and it was to disappear entirely.

In the Magna Charta confirmed by Edward I., he is styled "Edward, by the grace of God, king of England, lord of Ireland and duke of Guyan" (Guienne). Chapter XXVI of this instrument forbids the granting to, or acceptance by, any religious house, of lands, either to hold, as a tenant, or in any other way, under penalty of forfeiting such lands to the lord of the fee. Both the title assumed and the nature of this enactment imply an assertion of independent sovereign authority. But assertion is one thing, and fact another, and the fact will presently appear.[48] In 1337 Edward was appointed, and he accepted the appointment, of vicar-general and lieutenant to the emperor, Louis IV., from whom he obtained authority to coin "gold and silver."[49] These acts imply vassalage to the emperor, which indeed Edward further acknowledged by performing homage, all except kissing the emperor's feet, a portion of the ceremony which he respectfully desired should be omitted.[50] The homage which Edward had paid to the emperor was likewise demanded by the pope, and in the contest between the rival

[47] Bliss, Papal Registers.

[48] It ought to be remembered that all the earlier Statutes bear an appearance of having been "restored." Thus, the original MS. of Magna Charta is lost; the statute of Marlborough, a code of Procedure in twenty-nine chapters, is taken from the Cotton MS., etc. The earliest of these texts which do not present an anachronical appearance are the two ordinances of the king relating to the organization of the royal exchequer, both bearing the date 1266. [49] Grafton; Froissart; Ruding, II, 146. [50] Bryce, 187, *n*.

suzerains, for an acknowledgement of supremacy which by this time belonged to neither of them, it was forever lost to both.[51] In 1207 Haco IV., the natural son of Swerro, an "adventurer" who had reigned as king of Norway from 1186 to 1202, was proclaimed king, but did not become so legally until 1247, when he acknowledged himself a vassal of the pope (Innocent I.,) and paid him a tribute of 15,000 marks, besides 500 marks from the churches of Norway; whereupon the pope declared him to have been lawfully begotten. In 1251 Mandog, duke of Lithuania, acknowledged himself a vassal of pope Innocent IV., and paid tribute; whereupon he was raised by the pope to the dignity of king.[52]

In maintaining, as he does, that the Scottish chieftains paid homage to and acknowledged the suzerainty of Edward I., Sir Francis Palgrave silences the objections which Scottish historians have offered to this view, with reasons which admirably serve to refute his own denial that the English kings, in turn, acknowledged the suzerainty of the Medieval empire. Sir Francis's first objection is that such homage was only the courtesy which clothed a voluntary league of friendship. Refutation *by himself:* "It is an old artifice of State, even amongst rude nations, to disguise any onerous or disagreeable condition, by civil and courtly terms." Sir Francis's second objection is that the instances are few. Refutation *by himself:* "Our history exists only in fragments; the notice of . . . affairs is incidental; and the distance interposed between the emperor (or pope) and his vassal, will fully account for the frequent absence of the king. The emperor (or pope,) might be reasonably solicited to excuse the non-appearance of a monarch, who on his return was in danger of finding his throne occupied by an intruder." Sir Francis's third objection is that homage was often exacted by force. This objection is tersely disposed of *by himself* in another part of his book, where he says that "There was no other way to exact homage."[53]

Fourth.—The feudal subordination of England to the empire, which these evidences attest, is corroborated by the feudal subordination of the other western provinces; for if it can be shown that France, Spain, Denmark, Saxony, Almaine, Poland, Bohemia, and other provinces of the West, acknowledged the supremacy of the Medieval empire, this fact would go far to prove that it was also acknowledged by the princes of England. In 754 Pepin the Short, at that time a subordinate prince, accepted the title of Roman patrician from Pope Stephen II., at St. Denis. He afterwards accepted from the same authority

[51] Henry, Hist. Br., IV, ii, 66. If to anybody, it belonged to the Basileus and expired with his downfall.

[52] Voltaire, I, 257.

[53] Sir F. Palgrave, I, 604-5.

the title of king. This is undoubtedly an act of vassalage. Alfonso II., the king of Galicia, Leon, and Asturias, not only declared himself the vassal of the emperor Charlemagne, but he appeared to be proud of it, for he commanded "that he should be spoken of as Carl's man." [54] In 841 Charles the Bald, and Louis the Pious, kings of France, acknowledged themselves vassals of their brother Lothaire the emperor. In 875 Charles did homage to the pope, from whom he bought an empty title to the empire. [55] In 895, Odo, king of the West Franks, "commended himself" (essentially equivalent to an avowal of vassalage) to Arnulf. This was a year before the latter became emperor. [56] In 962, Otto I., was crowned emperor at Rome, and on this occasion, the king of Denmark and dukes of Poland and Bohemia, acknowledged themselves his tributary vassals. [57] Three years later Otto celebrated his accession to the empire at Cologne. The ceremony was attended by the king of France and numerous feudal princes and dukes, whose presence testified their feudal subordination to the Medieval empire.

In defending the pretensions of Ferdinand of Castile, (A. D. 1053,) the Spanish jurists set up the claim that as Spain had been lost by the empire to the Moors, it was a sort of derelict recovered by the Castilian Goths and therefore belonged to them, free of homage to the empire. [58] To this it was replied that in fact not the Castilians, but all christendom, had combined to rescue Spain from the Moors, and that consequently more than any other of the provinces of Rome, did it belong to the empire. This opinion, like all opinions which favoured the interests of the deathless college that reigned at Rome, eventually prevailed.

From these various evidences, derived in many instances from the reluctant testimony of unwilling historians, [59] it seems sufficiently evident that, from the date of the acceptance of the Christian religion by the various Anglo-Saxon chieftains of England, down to the reign of Edward III., that country was a fief of the Roman empire, and that its sovereigns acknowledged this vassalian relation by doing homage, paying tribute, and furnishing military and other aid to the emperor, or else the pope of Rome, whichever happened to be upper-

[54] Eginhard, Vita Caroli.
[55] Voltaire, I, 90.
[56] Freeman, I, 131.
[57] Gibbon, V, 149.
[58] Arthur Duck, De usa et authoritati Juris Civilis. Bryce, 186, *n.*
[59] "Freeman, however radical in politics, was a staunch high-churchman, and like his predecessor at Oxford, bishop Stubbs, thoroughly at one with all the ecclesiastical traditions of the university." London Daily Chronicle, April 15, 1892.

most at the time, and by taking part in, or voting at, the diets or councils of the empire. To these evidences we have added in other parts of this work, the evidence of their abstension from the exercise of regalian rights, such as dealing with foreign nations, entering into foreign wars or alliances, sending or receiving foreign embassies, maintaining a standing or paid army or a fleet, coining gold, altering the monetary system of Rome, interfering with the language or the laws of the empire, or with the administration of the latter, changing the imperial religion, creating sub-kings or dukes, erecting corporations, or trading in any other ships than those sailing under the flag or authority of the empire. When massed together it must be conceded that these evidences present a strong presumptive case in favour of the views advanced in this work. [60]

[60] Proofs of abstention from the formation of standing or paid armies or fleets, and from trading in Arabian or other foreign ships, have not been deemed necessary, the facts being sufficiently well known.

CHAPTER XV.

THE SACERDOTAL CHARACTER OF GOLD.

Coinage, the surest mark of sovereignty—Abstention of the Christian princes from mining and coining gold, from Pepin to Frederick II.—Dates of the earliest Christian coinages of gold in the West—Inadequate reasons hitherto given to explain this singular circumstance—Opinions of Camden—Ruding—Father Jobert—The true reason given by Procopius—The coinage of gold was a Sacred Myth and a prerogative of the Roman emperor—Its origin and history—Brahminical Code—The Myth during the Roman republic—During the civil wars—Conquest of Egypt by Julius Cæsar—Seizure of the Oriental trade—The Sacred Myth embodied in the Julian Constitution—Popularity and longevity of the Myth—It was transmitted by the pagan to the Christian church of Rome and adopted by the latter—Its importance in throwing light upon the relations of the western kingdoms to the Roman empire.

THE right to coin money has always been and still remains the surest mark and announcement of sovereignty. A curious proof of this afforded by the story told by Edward Thomas in his "Pathan Kings of Delhi" of that Persian commander, who, being suspected of a treasonable design toward his sovereign, diverted suspicion from himself to the king's son, by coining and circulating pieces of money, with the latter's superscription.[1] Says Mr. Thomas: Some, perhaps many, of the Mahometan coinages of India constituted merely "a sort of numismatic proclamation or assertion and declaration of conquest and supremacy." In ancient times such conquest and supremacy often embraced the triumph of an alien religion. Where printing was uncommon and the newspaper unknown, a new gold or silver coinage was the most effective means of proclaiming the accession of a new ruler or the æra of a new religion.[2] At the period of the earliest voyages of the Portuguese to India, the same significance was attached to the prerogative of coinage. Says Duarte Barbosa: "There are many other lords in Malabar who wish to call themselves kings, but they are not so, because they are not able to coin money. . . . The king of Cochin

[1] Del Mar's "History of Money," p. 89.

[2] Gibbon declared that, were all other records destroyed, the travels of the emperor Hadrian could be shown from his coins alone and that the emperor Theodoric, the Goth, stamped his coins with the view to instruct posterity. "Hist. of Money," 89*n*.

could not coin money, nor roof his house with tiles, under pain of losing his fief (to the king of Calicut, his suzerain); but since the Portuguese went there, he has been released from this, so that now he lords it absolutely and coins money." Father Du Halde, in his history of China, makes a similar statement in reference to that country. Says he: "There were formerly twenty-two several places where money was fabricated, at which time there were princes so powerful that they were not contented with the rank of duke, but assumed the dignity of sovereigns; yet they never durst attempt to fabricate money; for, however weak the emperor's authority was, the coins have always had the stamp that he commanded."[3] Says Mr. Stanley Lane-Poole: "The Greek cities of the coast were not allowed (by the Persian monarchs) to issue gold coins; but the Persian rulers did not interfere with their autonomous issues of silver and copper moneys, which bear types appropriate to the striking cities."[4]

In his posthumous "Memoirs," Napoleon Buonaparte said of the Mamelukes: "In 1767 Ali Bey, Sheikh-el-Bilad, (chief of the country,) declared himself independent, (of Turkey,) *issued coin* and took possession of Mecca."[5]

The prestige of the Padishah, or Grand Mogul, in India was so great that it long outlasted the fall of his power. In 1813 the Tamburetty, or princess, of Travancore, a Hindu state never subject to the Mogul, applied to him for a robe of investiture for her infant son. Though compelled by the British authorities to desist from her purpose, she was by no means satisfied that the coveted investiture was unnecessary. In order to render it quite plain to the Hindus that the House of Babu had no longer any sovereign authority, the British government deemed it necessary to issue orders forbidding the Padishah *to coin money*, or establish weights and measures, or confer title or command except within the limit of his own household.[6]

"The position taken by our State Department during the Brazilian Insurrection, was that as a precedent to recognition the insurgents must have a seat of government; *must issue money;* and must have a navy. At least two of these requisites are lacking in the case of the present insurrection" (in Cuba).[7]

From these various passages it is evident that the right to issue money is a certain mark and necessary prerogative of sovereign power.

[3] Duarte Barbosa, pp. 103 and 157. Du Halde, Hist. China, II, 293.
[4] Poole, "Coins and Medals, 1892, p. 142. [5] Cosmopolitan Magazine, January, 1899.
[6] Thornton's Gazeteer of India, art. "Delhi."
[7] Washington semi-official dispatch, February 29, 1896.

It may be added as a correlative principle that to delegate the prerogative to others (for example to banks, or still worse to private individuals,) is a proceeding fraught with dangerous consequences.

The custom of employing coins as a means of promulgating religious doctrine and official information was adopted by the Romans during the Commonwealth. It may be traced, at a later period, in the otherwise superfluous coinages of the empire. Julius, Hadrian and Theodoric depicted the principal events of their reigns upon their coins. In the absence of felted paper and printing ink, it was the only means the ancients had of printing and disseminating the most important intelligence and opinions. Addison correctly regarded the Roman coinage as a sort of "State gazette," in which all the great events of the empire were periodically published. It had this advantage over any other kind of monument: it could not be successfully mutilated, forged, or suppressed. Especially is the fabrication and issuance of full legal-tender coins the mark of sovereignty. Toward the end of the Republic and during the empire this attribute belonged alone to gold coins; therefore to speak of these, is to speak of full legal-tender money. Even during the Republic, the client states and the provinces were forbidden to coin gold.[8] Vassal princes, nobles and prelates, under the warrant of their suzerains, everywhere struck coins of silver, which, although legal-tender in their own dominions, were not so elsewhere, unless by special warrant from the Basileus; but no Christian vassal ever struck gold without intending to proclaim his own independent sovereignty and without being prepared to defy the suzerainty of the Cæsars.

Lenormant, in his great work on the moneys of antiquity, holds similar language. "With the exception of the Sassanian coinages, down to the reign of Sapor III., it is certain that the coinage of gold, no matter where, was always intended as a mark of defiance to the pretensions of suzerainty by the Roman empire; for example, during the period of the republic, about B. C. 86, the gold coinages of Mithridates in the various places over which he had extended his conquests. The supremacy of Rome was so widely accepted both east and west that, for many centuries, neither the provinces subject directly nor indirectly to the Basileus, nor even the more or less independent states adjacent to the empire, ever attempted to coin gold money. When gold was struck by such states, it was as a local money of the Roman sovereign."[9] As such it yielded him seigniorage; it bore his stamp; its use implied and acknowledged his suzerainty, both spiritual and temporal; while its issuance was subject to such regulations as he choosed

[8] Mommsen, Hist. Rome, ed. Dickson, III, 435, 584. [9] Lenormant, II, 427.

to impose. Commodus refused to believe that his favourite, Perennis, aspired to the empire until he was shown some pieces of provincial money upon which appeared the effigy of his faithless minister.[10] Then he executed him. Elagabalus condemned Valerius Pætus to death for striking some bijou pieces of gold for his mistress, upon which he had imprudently caused his own image to be stamped.[11] The very first act of a Roman sovereign after his accession, election, or proclamation by the legions, was to strike coins, that act being deemed the surest mark of sovereignty. Vespasian, when proclaimed by the legions in Asia, hastened to strike gold and silver coins at Antioch.[12] Antoninus Diadumenus, the son of Macrinus, was no sooner nominated by the legions as the associate of his father in the empire, than the latter hastened to strike money at Antioch in his son's name, in order to definitely proclaim his accession to the purple.[13] When Septimius Severus accepted Albinus, his rival, for his associate on the imperial throne, he coined money at Rome in the name of Albinus as evidence to the latter of his agreement and good faith.[14] Vopiscus, in his life of Firmus, asserts that the latter was no brigand, but a lawful sovereign, in whose name money had been coined. Pollion says that when Trebellius was elected emperor by the inhabitants of Isaurus he immediately hastened to strike money as the sign of his accession to power.[15] When the partisans of Procopius, the rival of Valens, sought to win Illyria to their master's cause, they exhibited the gold aureii which bore his name and effigy as evidence that he was the rightful head of the Roman empire.[16] Moses of Khorene informs us that "when a new king of Persia ascended the throne, all the money in the royal treasury was recoined with his effigy.[17] Even when counter-marks were stamped upon the Roman coins, care was taken never to deface the effigy of the sacred emperor.[18] The interchange of religious antipathy and defiance which Abd-el-Melik and Justinian stamped upon their coins is related elsewhere. Indeed history is full of such instances. The coinage of money, and especially of gold, was always the prerogative of supreme authority.[19] The jealous monopoly of the gold coinage by the sovereign-pontiff, ascends to the Achimenides of Persia, that is to say, to Cyrus and Darius.[20] In fact it ascends to the Brahmins of India. The Greek and Roman republics broke it down; Cæsar set it up again.

Some remains of the peculiar sanctity attached to the coinage of

[10] Herodian, I, 9. [11] Dion. Cass., LXX, ix, 4. [12] Tact., Hist., II, 82.
[13] Lapridinus, in Diadumenus, 2. [14] Herodian, II, 15. [15] Thirty Tyrants, XXV.
[16] Ammianus Mercellinus, XXVI, 7. [17] Lavoix, MS., p. 12.
[18] Lenormant, II, 389; III, 389. [19] Lavoix, MS., p. 16. [20] Lenormant, II, 195-6.

gold exist at the present, or at least existed when Dr. Ruding wrote his "Annals of the Coinage." In the ancient temples which were employed as mints, the officers of the mint who, of course, were priests, were exempt from all civic duties. This exemption remained after the coinage fell into the hands of civil magistrates. Besides this, the precincts of the imperial mint where gold was coined, were sacred; and this character also remained until a late date and perhaps still remains. These privileges of the mint descended from the sovereign-pontiff of the Roman empire to the various princes who fell heirs to that empire when it was broken up in 1204. There is no knowledge of such privileges in the various provinces (now independent kingdoms) before that event; they make their appearance immediately afterward. Workmen were "pressed" for the service of the Mint by Henry III., and by Edward III. [21] Pressing workmen for the Mint continued down to the reign of Elizabeth. Among the privileges of officers of the Mint were exemption from execution for debt, from military duty and from jury service. This appears in statute 1st Elizabeth (20th February, 1558). It was repeatedly confirmed, so late as 1744 and is still in force. [22] The boundaries of the Scotch Mint protected insolvent debtors from capture and this was probably the case in England from the Plantagenet period down to that of the Restoration. [23]

Assuming the common belief that the Christian princes of medieval Europe were in all respects independent sovereigns before the destruction of the Roman empire by the Fall of Constantinople in 1204, it is difficult to explain the circumstance that none of them ever struck a gold coin before that event, and that all of them struck gold coins immediately afterwards. There was no abstention from gold coinage by either the Goths, the Celts, the Greeks, or the Romans of the Commonwealth; there was no abstention from gold coinage by the Merovingian Franks, or the Arabians of later ages; there was no lack of gold mines or of gold river-washings in any of the provinces or countries of the West; there was no want of knowledge concerning the manner of raising, smelting, or stamping gold; yet we find the strange fact that wherever the authority of the Roman sovereign-pontiff was established, there and then, the coinage, nay sometimes even

[21] Patent of 31st Henry III., m. 3; Pat. 25th Ed. III., p. 2, m. 13, dors.

[22] Ruding, 1, 47. See also statute 14 Eliz., Harl. MS., Br. Mu. Lib., No. 698; also Report Select Com. House of Commons, 1837; Chambers Encyc., art. "Numismatics;" Penny Encyc., art. "Mint," ed. 1839.

[23] Encyc. Perthensis, or Univers. Dic. Edinb., 1816, xv, 98, art. "Mint."

the production, of gold, at once stopped. It must be borne in mind that it is not the use of gold coins to which reference is made, but the coinage, minting and stamping, of gold. In England, gold coins, except during the early days of the Heptarchy, have been in use from the remotest æra to the present time. Such coins were either Gothic, (including Saxon,) Celtic, Frankish, or Moslem, but never Roman, unless struck by or under the sovereign-pontiff. In a word, for more than thirteen centuries—that is, from Augustus to Alexis IV.,—the gold coins of the Empire, east and west, were struck exclusively by the Basileus. Again, from the eighth to the thirteenth century, a period of five hundred years, we have no evidences of any native Christian gold coinage, under any of the kings of Britain. With the exception of an unique and dubious coin now in the Paris collection which bears the effigy of Louis le Debonnaire the same is true of France, Germany, Italy, indeed of all the provinces of the empire, whose princes were Christians.

Before pointing out the significance of these circumstances it will be useful to clear the ground by examining the explanations of others. Camden conjectures that "ignorance" was the cause, but as Dr. Ruding very justly remarks, it could not have been ignorance of refining or coining gold, because silver, a much more difficult metal to treat, and one that in its natural state is nearly always combined with gold, had been refined and coined in Britain for many ages.[24] Dr. Ruding and Lord Liverpool both have supposed that coins of gold were not wanted during the Middle ages; but this is worse than Camden's conjecture; for it flies in the face of a palpable fact. That gold coins were indeed wanted is proved by the very common use of gold aurei, solidi, folles, or besants, throughout all this period. Not only this, but the Arabian gold dinar or mancus was current in the countires of the North and either this coin or the gold maravedi was the principal medium of exchange in the trade of the Baltic. Another explanation which has been advanced is that the confusion caused by the conquests or revolts of the barbarians, resulted in the closure of the gold mines, and rendered gold metal too scarce for coinage into money. Explanations which take no heed of the truth, made either in ignorance or desperation, may be multiplied indefinitely without serving any useful end. The facts were precisely the reverse of what is here assumed. It was the barbarians who opened the gold mines, and the Christians who closed them. The heretical Moslems, Franks, Avars, Saxons, Norsemen, and English, all opened gold mines during

[24] Camden's "Remains," art. "Money," p. 241.

the medieval ages. The moment these people became Christians or were conquered or brought under the control of the Roman hierarchy their gold mines began to be abandoned and closed. [25]

All such futile explanations are effectually answered by the common use of Byzantine gold coins throughout christendom. In England, for example, the exchequer rolls relating to the medieval ages, collated by Madox, prove that payments in gold besants were made every day and that gold coins, as compared with silver ones, were as common then as now. [26] If metal had been wanted for making English gold coins, it was to be had in sufficiency and at once. All that was necessary was to throw the besants into the English melting-pots. As for the feeble suggestion—that for five hundred years no Christian princes wished to coin gold so long as the Basileus was willing to coin for them, when the coinage of gold was the universally recognized mark of sovereignty and when also the profit, as we shall presently see, was one hundred per cent—it is scarcely worth answering. The greatest historians of the medieval ages, Montesquieu, Gibbon, Robertson, Hallam, Guizot, etc., have neither remarked these facts, nor sought for any explanations concerning the gold coinage. In their days the science of numismatics had not freed itself from the toils of the sophist and forger, and it offered but little aid to historical investigations. It has since become their chief reliance.

The true reason why gold money was always used, but never coined, by the princes of the Medieval empire, relates not to any circumstances connected with the production, plentifulness, scarcity, or metallurgical treatment, of gold, but to that Sacred constitution of pagan Rome, which afterwards, with modifications, became the constitution of Christian Rome. Under this constitution and from the epoch of Augustus to that of Alexis, the mining and coinage of gold was a prerogative attached to the office of the sovereign-pontiff; and was therefore an article of the Roman constitution and of the Roman religion. Although it is probable that during the Dark and Middle ages the prerogative of mining was violated by many who would never have dared to commit the more easily detected sacrilege of coinage, there are no evidences of such violation by Christians.

[25] History of the Precious Metals; History of Money.

[26] Lord Liverpool does not appear to have perused this valuable and instructive work. Sir David Balfour, in his "Memorandum" on the Coinage, dated October 20, 1887, showed that Lord Liverpool in his celebrated "Letter to the King," wherein he reviewed the history of the coinage, was guilty of still further omissions. In short, Lord Liverpool's account of the coinage was not, as was pretended, an impartial historical essay, but a special pleader's brief.

The mines of Kremnitz, which contained both silver and gold, and which Agricola says were opened in A.D. 550, were in the territory of the pagan Avars; the gold washings of the Elbe, reopened in 719, were in the hands of the pagan Saxons and Merovingian Franks; so were the gold washings of the Rhine, Rhone, and Garonne. The gold mines of Africa and Spain, reopened in the eighth century, were worked by the heretical Moslems; the gold mines of Kaurzim, in Bohemia, opened in 998, were managed by pagan Czechs. Whenever and wherever christianity was established, gold mining appears to to have been relinquished to the Basileus, or abandoned altogether. So long as the Byzantine empire lasted, neither the Medieval empire nor any of the princes of christendom, except the Basileus himself, seem to have conducted or permitted gold-mining.

With regard to gold coinage, the facts are simple and indisputable. Julius Cæsar erected the coinage of gold into a sacerdotal prerogative; this prerogative was attached to the sovereign and his successors; not as the emperors, but as the high-priests, of Rome; it was enjoyed by every Basileus, whether pagan or Christian, of the Joint and Eastern empires, from the Julian conquest of Alexandria, to the papal destruction of Constantinople; the pieces bore the rayed effigies of the deified Cæsars, and some of them the legend "Theos Sebastos." When emperor-worship was succeeded by christianity, they bore the effigy of Jesus Christ.[27] It would have been sacrilege, punishable by torture,

[27] William Till, p. 59, says that Justin II., A.D. 565-78, first struck the aureus (solidus, or besant,) with the effigy of Christ and the legend "Dominus Noster, Jesus Christus, rex regnantium," and that this practice was observed down to the Fall of the Byzantine empire. This statement is erroneous in several respects. The first name of Christ on the Roman coins was never spelled "Jesus," but succesively, "Ihs," "Isus" and "Iesus." The effigy of Christ did not appear on the coins of Justin II. It first appeared on a gold solidus of Justinian II., (Rhinotmetus,) who reigned 685-95, and again, 704-11. Sabatier, Monnais Byzantines, II, 22. The coin is shown in Plate XXXVII, No. 2. Obverse: d N. IϱSTINIANVS. SERV. ChPSTI. (Our Lord Justinian, Servant of Christ.) Full-faced bust of Justinian, showing him to be a young man, with a light beard and flowing locks. His coat is ornamented with squares. In his right hand a "potency" cross, poised on three steps; in his left, a globe, surmounted by a Greek cross; on the globe, the word PAX (peace). Reverse: d N. Ihs. Chs. REX. REGNAnTIVM. (Our Lord, Jesus Christ, King of Kings.) Full-faced bust of Christ, showing him to be a middle-aged, bearded man, with closely curled, almost woolly hair and close robe. On each side of the head, where the ears ought to be, appear two small projections, which form the extremity of a small cross, that is supposed to be behind the head; in his left hand, a book. Both the effigies are very rude and neither of them are rayed. On a silver miliaresion of Justinian II. (Sabatier, No. 11,) appears the effigy of Christ, showing him to be an old man, with long beard and loose robe. This effigy is not rayed. The effigy of Christ did not appear on the

death, and anathema, for any other prince than the sovereign-pontiff to strike coins of gold; it would have been sacrilege to give currency to any others: hence, no other Christian prince, not even the pope of Rome nor the sovereign of the Western or the Medieval "empire," attempted to coin gold while the ancient empire survived.

Says Procopius: Every liberty was given by the Basileus Justinian I., to subordinate princes to coin silver as much as they choosed, but they must not strike gold coins, no matter how much gold they possessed; and he intimates that the distinction was neither new, nor its significance doubtful. Theophanes, (eighth century,) Cedrenus, (eleventh century,) and Zonaras, (twelfth century,) state that Justinian II. broke the Peace of 686 with Abd-el-Melik because the latter paid his tribute in pieces of gold which bore not the effigy of the Roman emperor. In vain the Arabian Caliph pleaded that the coins were of full weight and fineness, and that the Arabian merchants would not accept coins of the Roman type. Here are the exact words of Zonaras: "Justinian broke the treaty with the Arabs because the annual tribute was paid not in pieces with the imperial effigy, but after a new type; and it is not permitted to stamp gold coins with any other effigy but that of the emperor of Rome."[28] The "new type" complained of, probably had as much to do with the matter as the absence of Justinian's effigy. That new type was the effigy of Abd-el-Melik, with a drawn sword in his hand, and the Mahometan religious formula declaring the Unity of God—a triple offense: an insult, a defiance and a sacrilege.

The privilege afforded to subject kings with regard to silver was extended to both mining and coinage. Silver mining and coinage was conducted by all the western princes, the western emperor included. The pope disposed of a few coining privileges to new or weak states, or to dependant bishoprics; the western emperors disposed of others to

coins of all the Roman emperors, but only on those of the following ones: Justinian II., Michael I, Alexander, A.D. 886-912, Romanus I., A.D. 918, Christopher, A.D. 918, Constantine X., Nicephorus II., John Zimisces, John Comnenus, Andromicus I., Michael Paleologos, Andromicus II., and his son Michael, A.D. 1295-1320.

[28] From the period A.D. 645, when their conquests deprived the Roman empire of the bulk of its Asiatic and African possessions to about the beginning of the eighth century, the Arabians struck coins with the effigy of the Roman emperor and the emblems $\overset{P}{*}$ and the cross. At that period they struck coins still with these emblems, but in place of the emperor's effigy, that of Abd-el-Melik with a drawn sword in hand. Like the maravedis of Henry II., 1257, and the nobles of Edward III., 1344, the issue of these coins amounted to an assertion of independent sovereignty, and as such was resented by Justinian. To the nummulary proclamation of the Arabian: "The servant of God, Abd-el-Melik, Emir-el-Moumenin," the Roman replied: "Our Lord Justinian, servant of Christ."

the commercial cities; but for the most part silver was coined by the feudal princes, each for himself, and not under any continuing prerogative of the empire, whether ancient or medieval.

The following table shows the date and place of the earliest gold coinages of Christian Europe:

EARLIEST GOLD COINAGES OF CHRISTIAN EUROPE.

Weights in English Grains.

1225	NAPLES.	Aurei, or augustals, of Frederick II., struck at Amalfi; weight, 81 to 82 grains fine.
1225	LEON.	Ducats of Alfonso, 54½ gr. gross; inscribed: "In the name of the Father, Son and Holy Ghost, God is One. He who believes and is baptized will be saved. This dinar was struck in Medina Toleitola, in the year 1225, month of Saphar."[29] A curious mixture of doctrines and dates!
1225	PORTUGAL.	Ducats of Sancho I., 54½ grs. gross.
1226	FRANCE.	Pavillons of Louis IX.; De Saulcy, Documents, I, 115-25.
1241	FAENZA.	Leather notes, stamped "3 ducats," of Frederick II. Grimaudet, 62; Yule's "Marco Polo." Redeemed in gold.
1250	FRANCE.	Agnels, or dinars struck for Louis IX., by Blanche, his mother, 63½ grains gross.[30]
1252	FLORENCE.	Republican zecchins, or florins, 56 grains fine.
1252	GENOA.	Republican genovinas.
1257	ENGLAND.	Pennies, or maravedis, of Henry III., 43 grains fine.
1265	FLANDERS.	Mantelets. De Saulcy, I, 31.
1276	VENICE.	Zecchins, or sequins, 55¼ grains fine.
1300	BOH. & POL.	Ducats of Veneslaus, 54½ gr. gross. René Chopin, citing Chromerus, assigns the earliest gold to the archbishop of Gnesnes and bishop of Posnanie, under authority of King Vladislaus in 1224, but there was no king Vladislaus or Ladislaus at this date.
1300	DIVERS.	At about this time gold coins were also struck by the archbishop of Arles, the Count of Vienne and Dauphiny, the archduke Albert of Austria, the Count Palatine of the Rhine, the archbishop of Mainz, and the king of Hungary. "Coins and Medals," by Stanley Lane-Poole, 1892.
1312	CASTILE.	Doblas (= 100 pesetas) of Alfonso XI.
1316	AVIGNON.	Sequins of pope John XXII., 54½ grains fine.[31]
1325	GERMANY.	Ducats of Louis IV.
1336	ARAGON.	Florines of Pedro IV.
1339	HOLLAND	and HAINAULT, ducat. GUELDERLAND, Duke Rainhold, ducat.
1342	LUBECK.	Florins and ducats, struck under patent of the Emperor Louis IV., 67¼ to the Lubeck mark.
1344	ENGLAND.	Nobles (= 6*s.* 8*d.*) of Edward III.
1356	HOLLAND.	Ducats of Count William V.
1357	FLANDERS.	Ducats of Count Louis II., under patent Charles IV.
1371	SCOTLAND.	Andrews of Robert II., 38 grs. fine. Henry, x, 269; Humphreys, "Coin Mannal," 507.
1371	BOHEMIA.	Ducats, under patent of the Emperor Charles IV. Chopin.
1372	NUREMB'G.	Ducats, under patent of the Emperor Charles IV., 53 gr.
1473	HOLLAND.	Ducats of Prince of Orange, under patent of Louis II. (XI).
1496	DEN. & NOR.	Eight-mark piece of John, 240 grains gross.[32]

[29] Although this can hardly be deemed a Christian coin I have included it in the table. Heiss publishes a gold coin with "Ferdinand" on one side and "In nomine Patris et Filii Spiritus Sanctus" on the other, which he ascribes to Ferdinand I.,(II.,) 1157-88, but Saez is positive that they are sueldos of Ferdinand II..(III.,) 1230-52. There is about the same difference of time between the Julian and Christian æras. The next gold coins after those of Alfonso were either the sueldos of Barba Robea, in the thir-

That Christian Europe abstained from coining gold for five centuries, because such coinage was a prerogative of the Basileus, is an explanation that may not be acceptable to the old school of historians; but that is not a sufficient reason for its rejection. The Old School would have been very greedy of knowledge if they had not left something for the New School to discover.

In his Science des Medailles, (I, 208-11,) Father Jobert and after him other numismatists, observing the strange abstention of the Christian princes from coining gold, and perhaps anxious to supply a reason for it, which would have the effect to discourage any farther examination of so dangerous a topic, invented or promulgated the ingenious doctrine that the Roman emperors, from the time of Augustus, were invested, in like manner, with the power to coin both gold and silver. If this doctrine enjoyed the advantage of being sound, it would deprive the long abstention from gold coinage by the western princes of much of its significance; because assuming that the coinage of gold and silver stood upon the same footing and remembering that all the Christian princes coined silver, their omission to coin gold might be attributed to indifference. But that Father Jobert's doctrine is not sound, is easily proved.

I.—With the accession of Julius Cæsar was enacted a new and memorable change in the monetary systems of Rome. The gold aureus was made the sole unlimited universal legal-tender coin of the empire; the silver and copper coins were limited and localized in legal-tender;

teenth century, or the Alfonsines, struck by Alfonso XI., of Castile, 1312-50. The latter had a castle of three turrets on one side and a rampant lion on the other; gross weight 67.89 English grains. Heiss, I. 51; III, 218.

[30] Baron Malestroict, Ins., pp.4-5, ascribes the first gold agnel to (Blanche of Castile as regent of France during the minority of) Louis IX. Patin, "History of Coins," p. 38, repeats that they were struck by Blanche as regent, but says nothing more. As Blanche was regent a second time, (during the sixth crusade, 1248-52,) these coins were probably struck in 1250, to defray the expenses of the crusade. Louis' ransom of 100,000 marks, was probably paid in silver. "There were sent to Louis in talents, in sterlings, and in approved money of Cologne, (not the base coins of Paris or Tours,) eleven waggons of money, each loaded with two iron hooped barrels." Matthew Paris, sub anno 1250, vol. II, pp. 342, 378, 380. Humphreys, p. 532, ascribes these agnels to Philip le Hardi, 1270-85, but there is no reason to doubt the earlier and more explicit authority of Malestroict, Le Blanc, and Patin, nor the more recent judgment of Lenormant, ("Monnaies et Medailles," p. 228), and Hoffman, ("Monnaies Royale.")

[31] This pope is responsible for a treatise on the Transmutation of Metals, the prolific exemplar of many similar works.

[32] The mark piece and its fractions, of King Hans, (John,) A.D. 1481-1512, are in the Christiania Collection. The type of these coins is evidentiy copied from the nobles of Edward III., minted 1351 to 1360.

the ratio of gold to silver in the coinage was suddenly and, in the face of greatly increased supplies of gold bullion, raised from 9 silver to 12 silver for 1 gold; and the mining and commerce of gold were seized, controlled, and strictly monopolized, by the sovereign-potiff; whereas the mining of silver was thrown open to subsidiary princes and certain privileged individuals. [33] With the production of gold thus limited to pontifical control, and that of silver thrown open to numerous persons, the coinage of the two metals, in like manner, or under like conditions, was totally impracticable and historically untrue. [34]

II.—As will presently be shown more at length, the imperial treasury, which was kept distinct from the public treasury and known by another name, was organized as a Sacred institution; its chief officer, then or later on, was invested with a sacred title; the coinage of gold, which was placed under its management, was exercised as a sacred prerogative; and the coins themselves were stamped with sacred emblems and legends. [35] On the contrary, the coinage of silver was a secular prerogative, it belonged to the emperor as a secular monarch, and as such it was thrown open to the subsidiary princes, nobles and cities of the empire, while that of copper-bronze was resigned to the senate. These are not like conditions of coinage, but, on the contrary, very unlike ones.

III.—From the accession of Julius to the Fall of Constantinople, the ratio of value between gold and silver, within the Roman empire, whether pagan or Christian, was always 1 to 12; whereas during the same interval it was 1 to about 6½ in India, as well as in the Arabian empire in Asia, Africa and Spain, and it was 1 to 8 in Friesland, Scandinavia and the Baltic provinces. It is inconceivable that one single unvarying ratio of 1 to 12 should have been maintained for centuries by the innumerable and irreconcileable feudal provinces of the Roman empire, if the freedom to coin silver exercised by the feudal princes was, in like manner, extended to gold.

IV.—The authority of ancient writers is conclusive on this subject. Cicero, Pliny, Procopius, and Zonaras, though they lived in distant ages, all concur in representing that the coinage of the two precious metals was not conducted in like manner, nor under like conditions.

V.—The authority of modern writers, for example Letronne, Momm-

[33] The exportation of gold had been previously controlled by the senate. Cæsar made it a prerogative of the sovereign-pontiff.

[34] See my "History of Monetary Systems" for further consideration of this subject.

[35] The officers of the sacred fisc who were stationed in the provinces to superintend the collection of gold for the sacred mint at Constantinople, are mentioned in the Notitia Imperii. Guizot, 1, 292.

sen, and Lenormant is to the same effect. This absolutely closes the subject and completely disposes of Father Jobert.

The sacerdotal character conferred upon gold, or the coinage of gold, was not a novelty of the Julian constitution, rather was it an ancient myth put to new political use. Concerning the testimony of witnesses, the very ancient Hindu Code says: "By speaking falsely in a cause concerning gold, he kills the born and the unborn"—an extreme anathema. Stealing sacred gold is classed with the highest of crimes. [36] A similar solicitude and veneration for gold occurs elsewhere throughout these laws. The Buddhists made it unlawful to mine for or even to handle gold, probably because the Brahmins had used it as an engine of tyranny. According to Mr. Ball this superstition is still observed in some remote parts of India. It is possible that in some instances the sacerdotal character attached to gold by the Brahmins belonged only to such of it as had been paid to the priests, or consecrated to the temples, and that when the priests paid it away it was no longer sacred; but the texts will not always bear this reading. For example, "He who steals a svarna" (suvarna, a gold coin), dies on a dunghill, is turned to a serpent, and "rots in hell until the dissolution of the universe." See the Brahminical inscription on copper-plate found at Raiwan, in Delhi. [37] The same superstition occurs among the ancient Egyptians, Persians and Jews. There are frequent allusions to it in the pages of Herodotus. For example, Targitaus, the first king of Scythia, a thousand years before Darius, the sacred king of Persia, (this would make it about B. C. 1500,) was the divine son of Jupiter and a daughter of the river Borysthenes, or Dneister. In the kingdom of Targitaus gold was found in abundance, but being deemed sacred, it was reserved for the use of the sacred king. In another place Herodotus says that in the reign of Darius, B.C. 521, (of whom Lenormant says, in his great work on the Moneys of Antiquity, that he reserved the coinage of gold to himself absolutely) in the reign of Darius, Aryandes, his viceroy, in Egypt, struck a silver coin to resemble the gold darics of the king. Possibly, to make the resemblance greater, it was also gilded. For this offence Aryandes was condemned as a traitor and executed. [38] Josephus makes many

[36] Halhed's Gentoo Code, VIII, 99; IX, 237. [37] Journal Asiatic Society, Bengal, LVI, 118.

[38] Aryandes had been appointed præfect of Egypt by Cambyses. Darius issued a coin of pure gold; Aryandes struck one to resemble it, of silver. For this he was condemned for treason and executed. Herodotus, Mel., 166. Darius reserved absolutely to himself the coinage of gold. Lenormant, 1, 173. Some of the aryandics were believed to be still extant. Queipo, 1, 554; but the coins which were taken for them are now otherwise assigned.

allusions to the sacredness of gold. A similar belief is to be noticed among the ancient Greeks, whose coinages, except during the republican æra, were conducted in the temples and under the supervision of priests. Upon these issues were stamped the symbolism and religion of the state; and as only the priesthood could correctly illustrate these mysteries of their own creation, the coinage, at least that of the more precious pieces, naturally became a prerogative of their order. Rawlinson notices that the Parthian kings, even after they threw off the Syro-Macedonian yoke, never ventured to strike gold coins. [39] The reason probably was, that in place of the Syro-Macedonian yoke they had accepted the Roman; and that the Roman (imperial) law forbade the coinage of gold to subject princes.

Whatever credit or significance be accorded or denied to these ancient glimpses of the Myth, its significance becomes clearer when it is viewed through the accounts of the Roman historians. The Sacred Myth of Gold appears in Rome at the period when the history of the Gaulish invasion, A. U. 369, was written. The story runs that after the Eternal city had been saved from the barbarians, it was held by the Roman leaders that to the gold which had taken from the mass belonging to the temples, should be added the gold contributed by the women toward making up the ransom, or indemnity, of a thousand pounds' weight, and that all of it should thenceforward be regarded as sacred. Says Livy: "The gold which had been rescued (from payment) to the Gauls, as also what had been, during the hurry of the alarm, carried from the other temples into the recess of Jupiter's temple, was all together judged to be sacred, and ordered to be deposited under the throne of Jupiter." [40]

At this period, according to Pliny, the Roman money was entirely of bronze. If this is true, all offerings of money to the temples must have been in bronze coins. If the object of conferring a sacerdotal character upon gold was merely to preserve the ecclesiastical treasure from violation, it is inexplicable that the same sacred character was not also conferred upon the current bronze money. It is far more consonant with the grossly superstitious character of the age to believe that the Romans of the period when this legend was penned were taught to regard all gold, except such as was worn upon the person, as sacred, and that the object of pronouncing the gold in the jewels contributed by the Roman women, to be sacred, was to prevent its ever being again worn as jewelry. It was this gold that saved Rome, for although it is said it was not actually paid to the Gauls, the delay at-

[39] Geo. Rawlinson, "Seventh Monarchy," p. 70. [40] Livy, v, 50.

tending the weighing of it, had given time for Camillus to advance to the rescue of the beleagured citadel, and drive the barbarians away. There was no less reason for rendering sacred the gold in the jewels, whose weighing had saved the city, than the geese whose cackling had contributed to the same happy event. However, it is possible that, as yet, a sacred character was only attached to such gold as had been consecrated to the gods.

The social, servile, and civil wars of Rome were characterized by great disorders of the currency, and during the latter, that is to say, in B.C. 91, Livius Drusus, a tribune of the people, authorized the coinage of silver denarii, alloyed with "one-eighth part of copper," which was a lowering of the long established standard. As the civil wars continued, a portion of the silver coinage was still further debased, and the denarius, whose legal value had long been 16 aces, was lowered to 10 aces. Later on, we hear of the issue of copper denarii, plated to resemble those of silver. It is possibly to these debased or plated coins that Sallust alludes, when he says that, by a law of Valerius Flaccus, the Interrex, under Sylla, (B.C. 86,) "argentum ære solutum est," *i.e.*, silver was now paid with bronze. Valleius Paterculus explained the operation of this law differently, in saying that it obliged all creditors to accept in full payment only a fourth part of what was due them. These explanations afford a proof that at this period the gold coins were not sole legal-tenders. The discontent produced among commercial classes by this law of Valerius Flaccus, induced the College of Prætors, B. C. 84, to restore the silver money to its ancient standard, by instituting what we would now call a trial of the pix. Sylla, enraged at this interference with the coinage and the political designs connected with it, annulled the decree of the Prætors, proscribed their leader, Marius Gratidianus, as a traitor, and handed him over to Catiline, by whom he was executed.[41]

The exigencies of the war had evidently compelled Sylla to temporarily alter the standard of the coins—a fact which is deducible from the specimens still extant. Marius Graditidianus, the creature of an avid faction, proposed to fix the standard unalterably. It was in the interest of the State that Sylla destroyed him. The story is a brief one, but it is suggestive.

Sylla's lex nummaria, B.C. 83, which prescribed the punishment of fire and water, or the mines, to the forgers of gold and silver coins,

[41] Modern writers on money have expended a good deal of false sentiment on Gratidianus. Cicero, who was his relative, and possibly knew him better, proves him a liar, cheat, demagogue, and traitor. Off., III, 20.

implies that at this period the immunity which perhaps previously and certainly afterwards, attended gold coins, was not yet secured. About B.C. 82, Q. Antonius Balbus, an urban prætor, was authorized by the senate, then controlled by the partisans of Marius, to collect the sacred treasure from the temples and turn it into coins. This money was employed in the struggle with Sylla. It is to this period, doubtless, that Cicero afterwards referred when he said: "At that time the currency was in such a fluctuating state, that no man knew what he was worth."[43] After Sylla's triumph over Marius and his resignation of the dictatorship, B.C. 79, the ancient standard of the silver coinage was restored, and the opulent citizens, in order to express their approbation of this measure, erected full length statues of the unfortunate Marius Gratidianus, in various parts of Rome. About B.C. 69, Cicero alluded to the public treasury as the sanctius ærarium. This expression, in connection with the coins struck by Antonius Balbus from consecrated treasure, and the statues erected to Marius Gratidianus all point to this period as that of the adoption of the sacredness of gold in the Roman law.

About this time the Jews appear to have again acquired some share in that lucrative trade with India, which they had formerly shared with the Greeks, and which has ever been a source of contention and hatred among the states of the Levant. The principal channel of this trade was now by the Nile and the Red Sea, and was in the hands of the Ptolemaic rulers of Egypt. A portion of it, however, went overland by Palmyra, and from this portion Jerusalem derived important commercial advantages. Such as they were, these advantages were lost to the Jews and acquired by Rome, when, in B. C. 63 Pompey and Scaurus, snatched Judea from the contentious Maccabees, and established over it a Roman government. [44] In B.C. 59, Cicero said: "The senate, on several different occasions, but more strictly during my consulship, prohibited the exportation of gold." Exportare aurum non oportere cum sæpe antea senatus tum me consule gravissime judicavit. [45] Cicero was consul four years previously, that is to say, in B.C. 63. "Exportation" here seems to mean transmission from one province of the Roman empire to another, because elsewhere in the same pleading Cicero says: "Flaccus, (a proconsul of Syria,) by a

[43] The Maccabees struck the earliest Jewish coins. These were called sicals or shekels, the same name given to coins by the ancient Hindus, with whom sicca meant a mint, or "minted," or "cut." The Arabians of a later period also borrowed the same term.

[44] Orat., pro L. Flacco, c. 28. Corroborative testimony will be found in Pothier's "Pandects," ed. 1818, vol. xx, p. 205, or liber 48, tit. 10, sec. 4, "Lex Nummaria." See also Cicero, Verr., I, 42.

[45] Off., III, 30.

public edict, prohibited its exportation, (that of gold,) from Asia." The introduction of the word "Italy," in Cicero's plea for Flaccus, can only be regarded as a means of enlisting the prejudice of the judges. Here is the passage in full: "Since our gold has been annually carried out of Italy and all the Roman provinces by the Jews, to Jerusalem, Flaccus by a public edict, prohibited its exportation from Asia."

The Jews probably bought their gold (with silver) in the provinces between Judea and India, because it was cheaper in those places than in Europe. They may have bought silver in Greece or Italy; but unless their commercial prominence is a trait of altogether modern growth, it is hard to believe that they bought gold in Italy when it could have been obtained nearer by, at two-thirds the price. The penalty which this unlucky people have paid for their ill-starred attempts to share in the Greek and Roman profits of the Oriental trade, have been more than two thousand years of hatred oppression and ostracism.

The conquest of Egypt by Julius Cæsar, B.C. 48, threw the whole of the Oriental trade into the hands of Rome. Canals connecting the Mediterranean and Red Seas had been constructed successively by Necho, [45] Darius, and Ptolemy, and at the period of the Julian conquest of Egypt, one of these canals was used for the voyages of the Indian fleet.

A century or so later Pliny recorded the fact that a hundred million sesterces worth of silver, (equal in value to one million gold aureii,) was annually exported to India and China. The numerical proportion of the gold and silver ratios in Europe and India, indicate that this trade was not a new one, and that a similar trade had been conducted by the Ptolemies and by the Babylonians and Assyrians upward to the remotest æra of commercial intercourse between the Eastern and the Western worlds. [46] During the Ptolemaic period the ratio was 10 for 1 in Europe and 12½ for 1 in Egypt, whilst it was 6 to 6¼ for 1 in the Orient. In other words, a ton weight of gold could be bought in India for about 6¼ tons of silver and coined in Egypt into gold pieces worth 12½

[45] Herodotus, Clio, 202; Eut., 158; Mel., 39.

[46] Strabo. At a later period the inter-oceanic canal became clogged with drifting sand and was reopened by Trajan or Hadrian, probably the latter. It was kept open by the Byzantine emperors. See Marcianus, in Morisotus "Orbis Maritimus," and Anderson's History of Commerce. It was again opened by Amrou, in A.D. 639, during the reign of the caliph Omar. The Ptolemaic (and Roman) route was by Alexandria, the Nile, the Canal, Berenice, Sabia, and Muscat. It is fully described in the Periplus maris erythræi of Arrian.

tons of silver. [47] The profit was therefore cent per cent.; and even after the Romans conquered Egypt, the rate of profit on exchanges of Western silver for Eastern gold, was quite, or nearly, as great. This explains what seemed so abstruse a puzzle to the industrious but uncommercial Pliny. He could not understand why his countrymen "always demanded silver and not gold, from conquered races." [48] One reason was, that the Roman nobles knew where to sell this silver at a usurer's profit. When this profit ceased, as it did when the Oriental trade was abandoned, the Roman government entirely altered its policy. During the Middle Ages it preferred to collect its tributes in gold coins.

When the enormous difference in the legal value of the precious metals in the Occident and the Orient, is considered, and that too at a period when maritime trade between these regions was not uncommon, it is impossible to resist the conviction that the superior value of gold in the west was created by means of legal and perhaps also sacerdotal ordinances.

This method of fixing the ratio may even have originated in the Orient. Colebrook states that the ancient Hindus struck gold coins, which were multiples of the christnala, the latter containing about 2¼ English grains fine. [49] According to Queipo, five christnalas equal-

[47] Minimaque computatione millies centena millia sestertium annis omnibus India et Seres peninsulaque illa imperio nostro adimunt. Tanto nobis deliciæ et feminæ constant. Nat. History, XII, 18. In another place, VI, 23, he puts it at half this sum, "quingenties H. S." for India alone. The "feminine luxuries" imported in exchange included gold, silk, and spices. Numbers of the silver coins exported to India at this period have been found during the present century buried in Buddhist topes. In A. U. 775 (A. D. 22), the Emperor Tiberius in his Message to the senate said: "How are we to deal with the peculiar articles of female vanity and especially with that rage for jewels and precious trinkets which drains the empire of its wealth, and exports in exchange for baubles, the Money of the Commonwealth to foreign nations and even to the enemies of Rome?" Tacitus, Annals, III, 53.

[48] Equidem miror P. R. victis gentibus in tributo argentum imperitasse non aurum. Nat. Hist., XXXIII, 15.

[49] Asiatic Researches, London, 1799, V, 91.. Meninsky, in his "Thesaurus Ling., Orient.," p. 1897, voc. "Choesrewani," says that in the time of Chosroes, (A. D. 531-79,) the Persians worshipped the dirhems of that monarch. If we read "venerated" for "worshipped" and "dinars" and "dirhems" we shall probably get nearer to the truth. Chosroes, the deified, was so successful in his wars against Justinian, that the latter was obliged to pay him an annual tribute of forty thousand pieces of gold (sacred besants). These were most likely the pieces, that, upon being recoined in Persia, were venerated by its subservient populace. Von Strahlenberg, p. 330, says that, in the reign of Chosroes, the Ies-tiaks or Oes-tiaks, near Samarow, venerated a cufic coin of the Arabians, from whom they had captured it. In a tomb near the river Irtisch, between

led a masha of 11¼ grains and 80 christnalas a tola, or suvarna, of 180 grains. [80] This system appears to have originated at two different periods, the octonary relations belonging to the remote period of the Solar worship and the quinquennial, to the Brahminical period. Dished gold coins (scyphates,) of the type afterwards imitated in the besant, called "ramtenkis," and regarded as sacred money, were struck in India at a very remote period. The usual weights were about 180, 360 and 720 English grains (1, 2 and 4 tolas). One example weighed 1485 grains; and was probably intended for 8 tolas sicca. The gold being alloyed with silver, gave a pale appearance to the pieces. The extant coins contain no legible dates or inscriptions; and are much worn by repeated kissing. The emblems upon them are the sacred ones of Rama, Sita and Hunuman. They were evidently held in high veneration by the Brahmins. Fac-similes of these coins have been published. [81] In the Brahminical coinages the value of silver seems to have been lowered from 4, to 5, for 1; and though in later coinages the value of silver was again lowered, as before stated, to about 6¼ for 1 gold, the general tendency in the Orient was to maintain the value of silver and in the Occident, to raise that of gold. So that although the system of deriving a profit, from the device of altering the ratio, was probably of Oriental origin, the practical operation of this system, certainly at the periods embraced within the Greek and Roman histories, was precisely opposite in the western world, to what it was in the eastern. The governments of Persia, Assyria, Egypt, Greece and Rome made a profit on the coinage by raising the value of gold; while those of India, China and perhaps also Japan, made their profit by maintaining, in some cases enhancing, the value of silver. In the last named state silver was valued at 8, some say at 4, to 1 of gold; at one of which ratios it stood so late as 1858.

It is evident that by continuing the use of this myth, or by attaching a sacerdotal character to the coinage and coins of gold which in Italy

the salt lake Jamischewa and the city Om-Ies-troch, a flat oval gold coin was found and delivered to Prince Gagarin, the governor of Siberia, (about A.D. 1715.) Its rude type is thus described by Von Strahlenberg (p. 408): "It seems to me designed for the figure of the Virgin Mary with a little Jesus in her lap, whose face is encompassed with a glory. I have seen the like in several Russian churches. The characters seem to be Boutumian Scythian." This character is shown in Rev. Thomas Hyde's "Quadrupt. ling. dialecto" and David Wilkin's "Præfat. in Orat. Domin. Joannis Chamberlayn." "The Chrysandrians were the *golden men* who inhabited the fabulous kingdom of Numismatica." Nöel, Dic. Fable, art. "Chrysandriens." This fable is evidently related to the amalgam-box of Mercury alluded to in the author's work on Money.

[80] Queipo, I, 449-52. [81] Jour. Asiat. Soc., Bengal, LIII, 207-11.

may hitherto have only been attached to consecrated deposits of gold, a character which the Conqueror who was also the pontifex-maximus of Rome, was quite competent to confer upon it, he would not only acquire the means to republish upon its coins the mythology and religious symbols of the empire, altered to accord with his own impious pretensions of divine origin, but he would also be enabled to reap profits equal to those which the Ptolemies had derived from the Oriental trade. Indeed, in this respect, Cæsar made another innovation. He increased the Roman ratio from 9 to 12 for 1 and there it remained fixed in consequence of his ordinance, for thirteen centuries. [52]

That Cæsar attached a sacerdotal character to the gold coins of Rome, and that Augustus and his successors, both the pagan and Christian sovereign-pontiffs of the empire, continued and maintained this sacred character, is so abundantly evidenced, that it has never been disputed. It is only in assigning reasons for the measure, that numismatists have differed. Evelyn believed that the gold coins were rendered sacred to preserve them from profanation and secure them from abuse. [53] Others have found the origin of this regulation in the desire to preserve the most precious monuments of Roman antiquity from the melting-pot; and they point to the numerous coinage restorations of Trajan, as a proof of the Roman anxiety on this subject. The reasons herein suggested as the true ones are, first, the usefulness of coins to proclain monarchical and pontifical accessions and to disseminate religious doctrine; and second, the profits of the Oriental trade, which could only be secured by means of an ordinance enjoying the sanctity of religious authority.

These reasons even receive confirmation from the contrary regulations adopted by the Arabians. Whether in scorn of the Roman mythology, or else to enhance the value of the immense silver spoil which they had derived from the conquest of the Roman provinces in Asia, Africa, and Spain, or because they were unable or unwilling to continue that pretence of sacredness, partly by means of which so artificially high a valuation of gold had been created in Europe, it appears that when the Arabians came to permanently regulate the affairs of the

[52] Kenyon (R. L.) Gold Coins of England, ed. 1884, p. 14, admits that there was no gold coinage in England until Henry III., but assigns no reason for it. He says that gold besants "have been found" in England, and is of opinion that "they had no legal currency here and were probably accepted merely as bullion," all of which is pure nonsense. So long as there were five besants or solidi to the libra, the former were always current at 48 pence or 4 shillings, with due regard to their weight, which was by no means constant. This fact proves that they *did* have "legal currency." Kenyon should have read Madox and the rolls of the Exchequer.

[53] Evelyn, "Medals," 224-7.

conquered provinces, (reform of Abd-el-Melik,) they swept away the mythological emblems upon the coins for all time, and for several centuries they destroyed the Roman valuation of gold. They issued plain coins, of constant weight and fineness, and reduced the ratio to the Indian level (then) of 6½ for 1.

Whatever reasons induced Cæsar to enhance the value of gold, there can be no doubt of the fact. In the scrupulum coinages of A. U. 437, the ratio was 10 of silver for 1 gold. In the coinage system of Sylla, A. U. 675, the ratio was 9 for 1. Cæsar raised the value of his gold coins by a double jump to 12 for 1. In other words, without changing its value in silver coins, he gradually lowered the aureus from 168 ⅓ to 125 grains, fine; and this alteration of weight he sanctified and rendered permanent by stamping the coins with the most sacred devices and solemn legends. If this great politician of antiquity endeared himself to the masses by thus lowering the measure of indebtedness, he secured for his empire the approval of the patrician and commercial classes by securing its stability, for the ratio which he adopted and solemnized was never changed in the Roman law, until Rome dissolved into a mere name, a name by which ambitious princes afterwards continued to conjure, but which at that late period really belonged to a dead and powerless empire.

In that admirable review of the Byzantine empire which forms the subject of Gibbon's seventeenth chapter, he declares that by law the imperial taxes during the Dark Ages were payable in gold coins alone.[54] We now know the reason of this ordinance. The Oriental trade was gone. The custom of the period was that when gold coins were not paid, silver coins were accepted instead, at the sacred weight ratio of 12. In the reign of Theodosius the officer entrusted with the gold coinage was the comes sacrarum largitionum, or Count of the Sacred Trust, one of the twenty-seven illustres, or greatest nobles of the empire. His powers supplanted those of the former quæstores præfecti ærarii and other high officers of the treasury. His jurisdiction extended over the mines whence gold was extracted,[55] over the mints in which it was converted into coins, over the revenues which, being payable in gold coins, kept the latter in use and demand, and over the treasuries in which gold was deposited for the service of the Sacred emperor, or in exchange for silver. Even the woollen and linen manufactories and

[54] A similar statement occurs in his Miscellaneous Works, III, 460.

[55] In Assam the gold mines are "guarded by orders from the king and worked only under special authority." Sir John Bowring, 1857, quoted in Lock's voluminous work on "Gold." Similar monopolies of the gold mines by the governments of Bangok and Assam are mentioned on pp. 272, 273 and 279 of same work. The Roman custom was evidently borrowed from the Orient.

the foreign trade of the empire, were originally placed under the control of this minister, with the view, no doubt, to regulate that exchange of western silver for oriental gold, of which some remains existed at the period of these elaborate and subtle arrangements.

It is the peculiarity of sacerdotal ordinances that they long outlive the purpose intended to be subserved by their enactment. In the hot climates of India, Egypt, Palestine, and Arabia, the interdiction of certain meats for food may possibly have been originally founded upon hygienic considerations; a fact that may have commended this ordinance to local acceptation, but certainly did not earn for it that general and continued observance which it owes to the Brahminical, Jewish, and Mahometan religions. It is not to be wondered that Justinian I. rebuked Theodebert, the Frank, for striking heretical gold coins, nor that Justinian II. proclaimed war against Abd-el-Melik, for presuming to pay his tribute in other heretical gold. But it certainly seems strange to find this myth observed in distant ages and among distant nations —for example, to witness the pagan Danes of the medieval ages solemnizing their oaths upon baugs of sacred gold; to find Henry III. of England, after plundering the Jews of London, receiving the gold into his own hands, but the silver by the hands of others; and to discover that Philip II. of Spain attempted to re-enact, in America, this played-out myth of idolatrous India, Egypt, and Rome.[56]

The importance of this myth in throwing light upon the political relations of the Roman provinces toward the Byzantine and Western or Medieval empires, does not depend either upon its antiquity or the reasons of its adoption into the Reman constitution, nor upon its general acceptance, or popularity. It is sufficient for the purpose if it can be shown that as a matter of fact the sovereign-pontiff alone enjoyed the prerogative of coining gold throughout the empire, and that the princes of the empire respected this prerogative. It is submitted that concerning this cardinal fact the evidences herein adduced are sufficient. What, then, was this political relation in respect of England? Clearly that of a feudal province, whose reigning prince was not independent, but the vassal of a distant suzerain; a feudal province, whose laws were not final, but subject to appellate Rome; a province or state of limited powers, restricted, bound, conditioned, hampered, burdened, and hindered, by institutions whose history had been forgotten, and whose origin was unknown.

[56] Procop. Bel. Got., III, 33. Lenormant. II, 453-4, leads us to infer that this occurred about the year 540. Du Chaillu, "Viking Age;" Matthew Paris, I. 459; "Recopilacion de Leyes de los Reynos de las Indias," law of 1565.

CHAPTER XVI.

CLUES DERIVED FROM THE £ s. d. SYSTEM.

This system appears in the Theodosian Code—It is probably older—Its essential characteristic is valuation by moneys of account—Advantages—Previous diversity of coins—Danger of the loss of numismatic monuments—Exportation of silver to India—Difficulty of enforcing contracts in coins of a given metal—£ s. d. as an instrument of taxation—As an historical clue—It always followed christianity—Side-lights to history afforded by the Three Denominations—£ s. d. and the Feudal System—It saved the most previous monuments of antiquity from destruction—Artificial character of the system—Its earliest establishment in the provinces—In Britain—Interrupted in some provinces by barbarian systems—Its restoration proves the resumption of Roman government—This rule applied to Britain.

SEARCHING for the beginning of a custom is like tracing a river back to its source. We soon discover it has not one source but many. When brevity is preferable to precision it is sufficient if we follow an institution to its principal or practical source.

We have elsewhere shown the marks of chronological stratification in Roman history, originally decimal and afterwards duodecimal, which resulted from a change which it is assumed took place in the method of measuring the solar circle. This we are persuaded was originally divivided into ten parts, each of 36 degrees. Hence the archaic Roman or Etruscan year of ten months each of 36 days, and the week or nundinum of 9 days. At a later period the zodiac was divided into twelve parts each of 30 degrees, whence the year of twelve months each of 30 days. [1] In these two systems we have the basis of the decimal and duodecimal methods of notation which are so strangely intermingled in all Roman numbers and proportions and which also appear in £ s. d. Thus the number of solidi to the libra was five, and the number of sicilici to the libra twenty, both of which are deci-

[1] By some writers, the year of 360 days has been erroneously called a lunar year, but in fact a year contains nearly thirteen lunar months. The year of twelve months was originally solar, and was always astrological. Many of the early institutes mentioned by Livy, Pliny, and Censorinus were evidently taken from the laws of conquered and obliterated Etruria, and falsely attributed to Romulus, Numa, and other creations of Roman ecclesiastical fancy. Among these institutes was the changed division of the year from ten months of 36 days, to twelve months of 30 days. Livy, I, 19. For numerons other authorities on this subject see my "Worship of Augustus Cæsar."

mal proportions. [2] On the other hand, the number of denarii to the sicilicus was twelve and the ratio between the metals was twelve, which is duodecimal. [3]

Those writers whose researches into monetary systems are bounded by the narrow conclusions of Adam Smith's "Wealth of Nations" or Tooke's "History of Prices," usually attribute the origin of £ *s. d.* to William the Norman or to Charlemagne, and their explanation of the system is commonly confined to that of the £, which they regard as the symbol for a pound weight of silver or else a pound weight of silver coins. The different books in which this delusion is repeated are probably sufficiently numerous to stock a good sized library. Yet it can be demolished in a few words. Neither the contents of the Norman nor Carlovingian, nor any other coins, sustain this theory; neither is it sustained by the texts of the Carlovingian or of any other period; the libra of money (not the whole triad of £ *s. d.*) is at least five hundred and may be fifteen hundred years older than Charlemagne, being clearly defined in the Theodosian Code, Lib., XIII, Tit. II, 11, of which the following is the text and literal translation: "Ita ut pro singulis libris argenti quinos solidus inferat." "So that for each libra of money, five solidi are to be understood." [4] This por-

[2] The "pound" of money (not the whole triad of £ *s. d.*) is to be discerned during the decay of Attic liberty. The Romans used the term pondus to mean 100 drachmas, and the Greeks used the "talenton" of money before them. Twenty drachmas (of silver) equalled in value one stater, and five staters were valued at a talenton, which the Romans called a pondus. The Greek ratio was 10. Most of the confusion on this subject has resulted from the refusal of numismatic writers to recognize what their own monetary systems of to-day attest—that every name of a weight also meant at the same time a sum of money, which had no relation to such weight. Humphreys, Chambers, and Putnam, all furnish confused references to the pondus of 100 drachmas. The Persians in the time of the deified Cyrus appear to have had a system of £ *s. d.* very like what the Romans afterwards had.

[3] A remarkable custom, which it may reasonably be conjectured originated in the changed subdivision of the zodiac, prevailed among the Goths. With them ten meant twelve, and an hundred was six score. The custom still prevails in Essex, Norfolk, and Scotland. Sir Francis Palgrave, I, 97. Some vestige of the score system still lingers in the French names for numbers. Curiously enough, too, the method of counting by scores was employed by the Aztecs. Prescott, p. 35. The vigesimal system is still used in Northern Asia. Consult Prof. Conant's "Number Concept."

[4] It is from this passage in the Theodosian Code that the learned Boeckh, Rome de l'Isle, and Jean Bodin regarded the libra as a weight and deduced the supposed ratio between silver and gold of 14.4 to 1. It is needless to say that if the libra was a money of account and not a weight, the deduction is erroneous. There is no instance of such a ratio as 14.4, or thereabouts, in Roman or Greek history; a fact which by itself should have rendered these erudite persons more cautious. The Code of Justinian, Liber X, tit. LXXVI, de argenti pretio, also gives the ratio: "pro libra argenti, 5 solidi."

tion of the Code is atributed by some commentators to the constitutions of Constantine, by others to a law of Honorius and Arcadius, A.D. 397, [5] but in fact the libra of five gold pieces is older than either. It was used for five gold aureii by Caligula, Probus and Diocletian. It frequently occurs in the texts of Valens, [6] Arcadius, and other sovereign-pontiffs of the fourth to the eighth century, where, except in one instance, it always means five solidi. According to Father Mariana, "De Ponderis et Mensures," the sicilicus, known in a subsequent age as the gold shilling, was struck so early as the first century of our æra, for he states that in his own collection were gold pieces of this weight struck by Faustina Augusta, Vespasian and Nero. Others of Justinian, weighing 16 grains, are now in the Madrid collection. The denarius of the early empire, of which 25 in value went to the aureus, nearly tallied in weight with the half aureus. In the reign of Caracalla 24 denarii went to the aureus; the ratio of value between the metals remaining unchanged at 12 for 1. Such is briefly the genesis of £ s. d.

The translation of "argentum" into "money" needs no explanation to Continental readers, for in all the Continental languages, French, Spanish, Italian, etc., "silver" means "money." This custom is derived from the Romans of the empire with whom "argentum" meant money, as the following examples sufficiently prove: Argentariæ tabernæ, banker's shops: Livy. Argentaria inopia, want of money: Plautus. Argentarius, treasurer: Plautus. Argentei sc., nummi, or money: Pliny, XXXIII, 13. Ubi argenti venas aurique sequunter: Lucretius, VI, 808. Cum argentum esset expositum in ædibus: Cicero. Emunxi argento fenes: Terrence. Concisum argentum in titulos, faciesque minutas: Juvenal, XIV, 291. Tenue argentum venæque secundæ: Ibid, IX, 31. The Romans in turn got this term from the ancient Greeks whose literature they studied and whose customs they affected. One of the Greek names for money was "argyrion" from

[5] Queipo, II. 56.

[6] The cupidity of the duke of Moesia induced him to withhold provisions from the Gothic refugees, whom Valens, the sovereign-pontiff, had permitted to enter that province; so that a slave (mancipium) was given by the Goths for a loaf of bread (unum panem) and ten libras (of money) for a carcass of meat (aut decem libras in unum carnem mercarentur). It is evident that 10 libras meant precisely what the law declared it should mean, namely, 50 solidi, (equal to the contents of about 32 English sovereigns,) for ten pounds' weight of gold would contain as much as 464 English sovereigns. Gibbon avoids the difficulty by saying "the word silver must be understood"; but such was not the custom of that time any more than it is now. When silver was understood it meant money, and not metal. Said the law: "So that for each libra (libris argenti) 5 solidi (of gold) are to be understood." Jornandes, De Getarum, c. XXVI; Gibbon, II, 597.

argyros, silver. The Hebrew word for money was caseph, literally silver, alluding to the coined shekels of the Babylonians. The same custom, *i. e.*, using the term "silver" for money is to be found in the most ancient writings of Egypt and India.

In a letter of Honorius and Theodosius II. to the præfect of Gaul written in our year of 418, after suggesting the formation of a council to regulate the affairs of that province, the emperors proposed, in case its members failed to attend the meetings, to subject them to fines of three and five "libras of gold" each. It is evident that the "libras" here mentioned are moneys and not weights, for five Roman libras weight of gold are equal to the quantity contained in 232 English sovereigns of the present day, and this would have been a preposterously heavy mulct for mere non-attendance. On the other hand, a libra of account represented by five gold solidi would not have contained more than one-fourteenth of this quantity of gold; and it is evident that this was intended.

These researches into the origin of £ *s. d.* were necessary in order to determine its essential characteristics as a system of valuations and proportions. The names of the sub-divisions of money have in all ages been used to denote the relative proportions of the sub-division of other measures, as of weight, area, capacity, etc., and it is this practice which is responsible for much of that confusion on the subject of money that distinguishes economical literature. For example, £ *s. d.* were at one time used as proportions of the pound weight for weighing bread; at another time as proportions of the acre for measuring land. In the former case £ represented a pound weight of bread, *s.* an ounce, etc.; in the latter £ meant one-and-a-half acres, and *d.* a rod of land.[7] Sir Francis Palgrave, 1, 93, says that many instances of this practice are to be found in charters of the sixth century. The mischief of it lies in the insinuation it conveys that because a "pound" weight can be the unit, integer, or standard of weight and a "pound" measure, (1½ acres) can be the unit of superficial area, so a "pound" sum of money can be the unit of money; which in the last case is physically impossible. The unit of money can never be one "pound," but must necessarily be all the "pounds" under the same legal jurisdiction joined together. In other words, the unit of money is and must necessarily be all money.[8]

Taking the essential character of £ *s. d.* to be a system of valuation by moneys of account, as distinguished from a system of valua-

[7] Statute 51 Henry III., 1267; Fleetwood's "Chronicon Preciosum."

[8] See chapter on this subject in the author's "Science of Money."

tion by coins, it must have possessed merits that rendered its adoption highly necessary and advantageous. We shall find that this was actually the case. Previous to the adoption of £ s. d. there was commonly but one denomination of money and—except in the peculiar monetary system of the early Roman Commonwealth—it usually related to an actual coin. With the Romans this coin was successively the ace, denarius, sesterce, and aureus. Even when two of these kinds of coins circulated side by side, as the ace and the denarius, or the sesterce and aureus, sums of money were always couched in one denomination, never in both. We now say so many pounds and shillings and pence, perhaps combining some of each denomination in one sum, or we may say so many dollars and cents, or so many francs and centimes. Down to the æra of £ s. d. the Romans in expressing sums of money only used one term. So long as only one or two or three kinds of coins were current at the same time, there was no inconvenience in this custom, but when coins came to be made of different sizes and weights and of several different metals—bronze, silver and gold—some of them of limited tender and highly overvalued, like the bronze coins of to-day, one term for money became inexact and inconvenient. This is one of the reasons that led to the adoption of £ s. d.

In the last quarter of the third century the Roman empire was divided between four Cæsars, to whom was afterwards added he whom Sir Francis Palgrave has rather effusively termed "our own Carausius." Even before this division took place the diversity of bronze and silver coins was so great as to produce confusion. With four emperors almost daily adopting new designs for coins and several thousand unauthorized moneyers expelled from Mount Cælius and other places to ply their trade in every province of the Roman empire, the confusion became intolerable. Without some device by aid of which this maddening variety of types and weights could be readily harmonized and valued, it became impossible to carry on the operations of trade. Such a device was £ s. d.

The infinite diversity and number of local and imperial silver coins had long since broken down that fragment of the fiduciary system of money which was attempted to be revived by Augustus; it had effaced all the influence of mine-royalties; it had nullified all the effects of mint-charges and seigniorage. The relative value of coins which Rome was formerly content to read in the edicts of her consuls or emperors, she was now almost compelled to determine with a pair of scales. The imperial government could scarcely have observed this symptom of popular distrust without grave concern. In propor-

tion as such coins lost fiduciary value and rested upon that of their metallic contents, so did the empire lose importance to the provinces, and the proconsuls to the local chieftains. Furthermore, when money ceased to derive any portion of its value from limitation of issue, or from sacerdotal and imperial authority, why might not the proconsuls feel at liberty to issue circulating money as well as the sovereign-pontiff; why not the under-lords as well as the proconsuls; why not foreigners as well as citizens; why not anybody or everybody?

Besides this, it is to be remembered that the coins of Rome were designed to illustrate its mythology and history, and that they constituted its most precious and enduring monuments. Upon them were stamped the story of its miraculous origin, the images of its gods, demi-gods and heroes, the symbols of its religion, the spirit of its laws, and the dates of its most glorious achievements. All these now threatened to disappear in the melting-pot, the monuments had come to be regarded only as so much bullion, and every provincial governor or barbarian king would be tempted to reduce them to metal in order that upon recoining them, his own upstart image might shine in the glass that had once reflected a Romulus, a Cæsar, or an Augustus. There was but one way to stop such a calamity and that way was monopoly of the coinage and arbitrary valuation; but this had to be done through some new device, for the old ones were worn out and would be seen through and rejected at once.[*] The efforts to save the old monuments would justify a slight discrimination of value at the outset in favor of certain precious issues and this discrimination might be extended and enlarged as time went on. Rome had hitherto kept its most sacred numismatic monuments from the furnace by means of a Golden Myth, a fixed ratio, and the restriction of exports. Without disturbing either of these arrangements it was now proposed to supplement them with the device of £ *s. d.*

The diversity of coins and the hope of restoring some of their lost fiduciary value, furnish reasons for the adoption of a triad of monetary terms in the place of that single term in which the Romans had hitherto couched their valuations and contracts; but the same considerations do not explain why these denominations were essentially ideal ones, nor why they remain so still. The explanation is simple enough. It will be found in the physical impossibility of adding to-

[*] In a less superstitious age perhaps not even the device of £ *s. d.* would have allayed the fear that the valuations would be changed, or have kept the coins from the melting pot. But to the Romans that law was a sacred one which forbade the melting down of old coins. Digest, 1, c. de Auri pub. prosecut., Lib. 12, 13; Camden, Brit., p. 105.

gether quantities of various materials and producing a quotient of one material. If £ means a piece of gold, *s.* a piece of silver, and *d.* a piece of bronze, then as a matter of fact it is impossible to add them together and produce a sum which shall represent a quantity of any one of these metals. Hence these denominations are essentially ideal. However, as logic seldom stands in the way of practical legislation, we may be sure that it was not this difficulty which compelled the Romans when they adopted £ *s. d.* to make them ideal moneys or moneys of account that would logically add together; it was the practical difficulty of enforcing contracts payable in coins of a particular metal. Numbers of the mine-slaves had revolted or escaped to swell the armies of the Goths and other malcontents, the produce of the Roman mines had become irregular, the Oriental trade had absorbed vast quantities of silver. [10] A contract to pay sesterces meant so many silver coins and the name sesterce had been so long wedded to a silver coin that it was found easier to establish a new denominatiou than divorce sesterce from silver. The same may be said of the gold aureus. £ *s. d.*, being imaginary moneys, might be represented by either gold, silver or bronze coins at pleasure of the government, and as best suited the convenience of the times or the equity of payments. [11]

It is scarcely necessary to turn fromthe public to the private influences which urged the adoption of £ *s. d.* upon the imperial and pontifical mind. A monetary system which by insensible degrees might be made to slip away from all metallic anchorage or limitation needed no further recommendation to a needy treasury. Yet it still had another one. The diversity of races that constituted the population of the empire and the nascent feudal system, both stood in the way of any uniform system of taxation; while the distance between Rome and the capital of each province greatly multiplied frauds upon the treasury and threw too much power and profit in the hands of the provincial vicars or proconsuls and the greedy farmers of the revenues. The facility to regulate the value of various coins which the adoption of £ *s. d.* promised to afford, placed in the hands of the sovereign-pontiff the means of levying a tax that neither be evaded nor intercepted.

Thus many reasons and interests combined to recommend the sys-

[10] Pliny, Natural History, VI, 23, and XII, 18.

[11] In 1604 the Privy Council of Ireland decided that £ *s. d.* were imaginary moneys and meant concretely whatever coins the sovereign from time to time might decree they should mean; they deduced this conclusion not only from the spirit of the Common law, but also from the principles of the Civil law, and there can be no doubt that such was its legal significance at the period of its original adoption in Rome. State Trials, II, 114; Digest, XVIII, 11.

tem of £ *s. d.* It brought into harmony the diversity of coins and coinages; it promised to restore some of the lost value of bronze and silver coins and to conserve or obliterate (at pleasure) the ancient and sacred types; it offered to remedy the difficulties produced by the irregular supplies of the mines and by the heavy exports of silver to India; it placed a future choice of other remedies in the hands of the emperor; and finally it was competent, at a pinch, to solve the problem of suddenly recouping an empty treasury. Under the system of £ *s. d.*, any coin or piece of money could be legalized or decried at pleasure of the government, and any value could be put upon it that seemed expedient or desirable. All that was needed was a brief edict of the supreme sovereign and at once, with military precision, this or that piece of money took its allotted station among the £ *s. d.*, and there it served in the capacity and with the rank assigned to it by imperial master.[18]

In the fourth century the *d.* was represented by a silver coin, and the *s.* by a gold coin, each containing about 18 (afterwards 16) grains of fine metal, and the £ by five large solidi, (afterwards called besants,) each containing 72 (afterwards 64) grains of fine gold. If we follow the adoption of £ *s. d.* in the various provinces of Europe—for example, Gaul, Britain, Spain, or Germany—it will be found that it never preceded, whilst it invariably followed, the establishment of Roman christianity. It therefore furnishes a valuable guide to the date of such establishment and to the restoration of Roman government. £ *s. d.* was adopted in Gaul by Clovis; in a part of England it was established by Ethelbert; whilst in other parts it was rejected by the unconverted Gothic kings, his contemporaries.[19] So the Arian Goths of Spain, down

[18] On different occasions the same coin has ranked as a penny, three-half-pence, two-pence, and even three-pence. A shilling was at one time represented by a gold coin, at another by a silver coin. Examples of this character often occur in the ordinances of the medieval kings of France, and there is reason to believe that the sovereign-pontiffs of Rome more than once altered the legal value of their silver and bronze issues.

[19] The name of the sicilicus, which is evidently derived either from the fourth of the aureus, or else from the fifteen-grain gold pieces of Sicily, was applied to the Norse aurar, in the laws of Ethelbert (Sections 33-5). From the context it is evident that fifty scats are less in value than three shillings, hence that the purely silver scat of five to the gold shilling was not yet in use, and that the scats alluded to were the old rude ones of composite metal weighing 7½ grains and upwards, and of varying and uncertain metallic contents. The shilling of Ethelbert's laws is the earliest mention of that coin in England. There was as yet no Norse analogue either for the libra or the penny; in other words, there was no twelfth of the aurar, nor any twenty-aurar pieces, hence there was no further application of £ *s. d.* at that time to Gothic coins. The Roman triad of "pounds, shillings, and pence" had yet to be fully established in England. Some of the gold sicilici of the heretical Roger II., of Sicily, bear the legend in Arabic, "One God: Mahomet is his prophet." On the other is the phallic sign. A specimen, somewhat worn, weighed by the writer, contained 15 grains gross. These shillings were evidently copied from older Sicilian coins of the same weight and type.

to the close of Roderic's reign, refused both the Roman religion and the Roman system of money; and the Saxons would none of either, until Charlemagne bent their stubborn necks to the yoke of the Roman gospel.

Another valuable historical side-light is derived from £ s. d. The arithmetical relations of these moneys of account were originally, but have not been always, $12 \times 20 = 240$. Sometimes they were $5 \times 48 = 240$, or $4 \times 60 = 240$, or even (exceptionally) $5 \times 60 = 300$. Whenever this is observed it affords a sure indication of grafting. The Gothic ratio between the precious metals was 8, the Arabian ratio 6½, and the Roman ratio 12. Consequently when the Roman arithmetical relations of £ s. d. were grafted on Gothic or Arabian or Gothico-Arabian monetary systems, they had to be modified to suit the local valuation of gold and silver.[14] For example, in the eighth century, in Roman Christian Gaul, (ratio of 12,) it took 12 silver pence, each of 16 grains, to equal in legal value 1 gold sicilicus of similar weight, whilst in the Gothic parts of Britain where the Arabian ratio prevailed, (ratio of 6½,) 5 silver pence, each of 20 grains, sufficed; so that if, as convenience dictated, the newly introduced £ was still to consist of 240 pence, it would have to be valued at 48 shillings of account; and this was accordingly done.[15] Modifications in the weights of the silver penny and efforts to harmonize the two principal conflicting ratios, the Roman and the Arabian, will explain not only the remaining variations of £ s. d. above alluded to, but also many other obscure problems connected with the early monetary systems of England.

We have seen how £ s. d. arose out of the circumstances of a decaying empire. We shall now see how it accommodated itself to those circumstances, so as to promote the very disease it was in part designed to remedy. The empire was falling to pieces, splitting into many parts. First it had one Cæsar, then two, three, four, or more. Even when it got rid of its Thirty Tyrants and reduced the number to six the diversity of coins and coinages was too bewildering for practical purposes. To harmonize and regulate these coins, as well as for other reasons, £ s. d. was adopted. Yet, by accommodating itself to a diversity of moneys, this system prevented the evil from righting itself through the simple and efficacious means of recoinage. Dispensing with the necessity of uniformity, it encouraged heterogeneity by rendering it less intolerable; and thus facilitated that splitting up and subdivision

[14] The system of Offa, king of Mercia, was Gothico-Arabian, and, as is elsewhere shown, some of his coins had Arabian inscriptions upon them.

[15] System of Ethelbert, king of Kent, 725-60.

of the coining authority which characterized the matured feudal system and lent it strength and support. Devised in part to unify moneys and centralize authority, it became no insignificant aid to decentralization and feudalism. On the other hand, but for its influence, the Roman coins, and with them the memories which they invoked and the sacred myths they perpetuated, would have been destroyed; and the modern world would have had to read the history of the past in the unmeaning baugs of Scandinavia, the saigas of Frakkland, or the composite scats of the Anglo-Saxon heptarchy.

Returning to the historical clue afforded by the adoption of £ *s. d.*, the reader will scarcely fail to have been impressed with the extreme artificiality of this system. Hundreds of books have already been written upon it, and hundreds more will probably yet be written upon it, before its true character, mischievous bearing and incongruity with the modern age of progress, will be recognized and acted upon. Allusion is here made not merely to a system of three denominations, as £ *s. d.*, nor to a mingled bidecimal and duodecimal notation, nor to its character as money of account, but to the mingling in this system of imperial with provincial and municipal or other coins, of seigniorial with non-seigniorial coins, of coins with various degrees of legal-tender,[16] of coins of local with others of extensive legal-tender, of native with foreign coins made legal-tender, or redeemable with non-redeemable coins, of governmental with private (bank) issues of various degrees of legal-tender, and of non-interest-bearing with interest-bearing legal-tender issues. In these respects and others the principles of all the monetary systems of the present day originated in the Roman imperial system of £ *s. d.*; and so far as they follow it, they interpose important obstacles to the practice of equity, the just diffusion of wealth, and the progress of civilization.[17]

The £ *s. d.* system was as much unfitted for the Gothic kingdoms, or fiefs, of the dark ages as it was suitable for the empire. In a former work it was shown that there existed a natural harmony or tendency toward harmony between systems of government and systems of money, just as there is between social phases and language. For example, if one of the sentences of Cicero or Tacitus were imputed to a savage orator, no matter how eloquent or renowned, the unfitness of the phraseology and its lack of harmony with the social phase of the

[16] "It is unlawful for either the money-changer or the merchant to refuse Cæsar's coin; so that if one presents it, then whether he will or no, he must give up what is sold for it." Epictetus, about A.D. 120. Dissertations, I, xxix. I commend this passage to those modern financial sciolists who contend that the ancients knew nothing of legal-tender.

[17] Del Mar's "Science of Money," Chapter VI.

speaker, would at once expose the blunder, or imposture. Similarly, if an £ s. d. system of money were attributed to a tribe of Zulus, the incongruity of the collocation would immediately stamp it as untrue. For not only are three denominations of money too artificial a means of valuation to fall within the mental compass of a barbarian tribe, one of them (the £) was always an ideal money, and all of them were maintained, and could only be maintained, by a mint code of extreme complexity and covering mining, minting, seigniorage, artificial ratio between the precious metals, and a hundred other subjects concerning which neither Zulu nor Goth ever had a clear conception. For these various reasons the artificial system of £ s. d. furnishes an unerring clue to historical researches during the dark ages. In a previous chapter similar clues were found in the Golden Myth and the sacred Ratio of Twelve; in the present one we shall follow the clue of the Three Denominations.

The text of the Theodosian Code implies the use of £ s. d. at Rome and in all the Christian provinces of the empire. The non-Christian provinces were those parts of Gaul and Britain which at the time of the promulgation of this Code were temporarily under the control of Anglo-Saxon, Frankish and other barbarian chieftains. The letter of Honorius and Theodosius II., A. D. 418, implies the use of £ s. d. at that date in southern and perhaps central Gaul. From 496 to 561, during the governments of the Roman patricians Clovis and Clothaire I., the £ s. d. system was probably established throughout the whole of Gaul except Brittany, Burgundy and Provence. The Roman coins found buried with the body of Childeric, [18] and more especially the Roman offices and titles accepted by the Merovingian Frankish princes down to the sixth century, when image worship was insisted upon, or still worse, when the assassin Phocas was worshipped at Rome, imply the continuance of Roman government in Gaul until that period. After this time and until the reign of Pepin many of the provinces forgot their allegiance. [19] Over and over again the Franks had professed and evinced their willingness to live under Roman law and Roman government and they proved their sincerity and good faith in these professions by accepting Roman ecclesiastics as the administrators of that law and the representatives of that government. So long as Rome inculcated the worship of a Heavenly deity the Franks

[18] His tomb was opened in the seventeenth century. Morell, 67.

[19] The Merovingians struck gold under authority of the Basileus until the reign of Theodebert, who struck gold for himself. Yet even after this period many of the Merovingians coined under authority of the Basileus.

continued loyal to the empire, but when the Roman pontiff fell at the feet of Phocas and the detested religion of emperor-worship seemed about to be revived in the very fane of religion, they turned upon the empire. [20] From Theodebert to Pepin the Short the Roman monetary system was interrupted in Gaul. Its place was partly filled with a Frankish system in which the relative value of gold and silver, no longer kept in place by the Sacred myth of Rome, fell back to the old Druidical (and Etruscan) ratio, or else obeyed to a certain extent the influence of the Moslem mint-laws of Spain and southern Gaul; for it became 1 to 10 instead of 1 to 8. The gold sou or solidus was valued in Merovingian laws at 40 silver deniers or denarii; the little sou, or sicilicus, was valued in the same laws at 10 silver deniers; the sicilicus and denier, containing the same weight of metal. The first fact is from the texts of the period, the last from the coins themselves. The establishment of this system was the mark of Frankish independence from the empire. It lasted about a century and a half; after that Gaul again became a Roman province. [21]

In short, the monetary system of £ *s. d.* was established wherever Roman government prevailed, in Italy, Greece, Asia Minor, Armenia, Egypt, Carthage, Spain, Gaul, Britain and Germany. After it was established in Rome it was not established by any state or people not subject to Rome, never by the pagan Angles, Jutes, Saxons, Franks, Sclavs or Huns, and never by the Moslems, whether in Arabia, Egypt, Africa, Spain, France or Persia. After the dry bones of the Sacred empire fell into the hands of the Turks in the fifteenth century, the latter, in order to accommodate their nummulary language so far as practicable to the customs of the conquered Greek provinces, employed the £ and the *d.* to mean, not indeed what they formerly meant, but something that it suggested, and this practice afterwards found its way into other provinces of Turkey; but it had no essential connection with the £ *s. d.* system and employed only two denominations instead of the characteristic three.

Although it is probable that the libra of money, (not the £ *s. d.* system,) continued to be used in the Roman cities of Britain from the Roman period down to the time when these cities fell into the hands of the Anglo-Saxons, we have no certain evidence of the fact. The earliest implication of the £ *s. d.* system in any document now ex-

[20] Charlemagne, at the council of Frankfort, 794, denounced the worship of the imperial images.

[21] The earliest rehabilitation of the Roman system appears in the capitulary of Pepin and Carloman, A. D. 743, wherein the sol is valued at 12 deniers. Guizot, III, 27.

tant, occurs in the barbarian laws of Ethelbert A.D. 561-616, (§§ 33-5,) where certain fines are levied in shillings. No "libras" are mentioned, nor no denarii, for twelfths of the Norse aurar; [33] hence no entire adoption of the system can be positively inferred. The shilling of Ethelbert was probaby either a Latin name for a coin identical in weight with the Norse aurar or an anachronism inserted by copyists at a later date. [33] In neither case would this text afford any certain indication when the £ s. d. system was re-introduced into Britain, and there is no other evidence that can be relied upon of an earlier date than the reign of Ina, which was toward the end of the seventh century.

Measured by the clue of £ s. d. the Anglo-Saxon chieftains interrupted the continuity of Roman government in some parts of Britain during an interval of more than two centuries, that is to say, from a date somewhat later than the edict of Arcadius and Honorius, to the reign of Ina. In other parts there was scarcely any interval at all, for many of the Roman cities of Britain held out long after the legions departed and even then they capitulated on terms which involved, if they did not expressly admit, the imperial supremacy of Rome. So far as it goes, the clue of £ s. d. harmonizes with the Myth of Gold and the Sacred ratio, and they all corroborate those other evidences which proclaim that, except during a comparatively brief interval, which was probably no greater in Britain than in Gaul, the former remained a province of the empire from the reign of Claudius down to a much later period than is commonly supposed. [34]

[32] See Roman coins of Canterbury mentioned in my "Ancient Britain," Chapter XIV.

[33] Bishop Fleetwood, Chronicon Preciosum, pp. 52-4, gives examples from Brompton's translations of the laws of Ethelstan and Ina, in which the terminology and valuations of money were changed to suit the circumstances of the translator's times. Guerard and De Vienne give examples of similar alterations in the ancient texts of the Frankish, Lombardian, Frisian, and Burgundian codes of law.

[34] Mr. Freeman deems it probable that at the end of the sixth century there were still Roman towns in Britain, tributary to the English chieftains, rather than occupied by them. Sir Francis Palgrave I, vi, extends the Roman occupation of some British cities down to the seventh century. Du Bos, Savigny, and Gibbon concur in a similar belief with regard to some of the cities of Gaul.

CHAPTER XVII.

VASSALIAN POSITION OF THE ANGLO-NORMANS.

Marks of sovereignty wanting in the coinages of the Anglo-Norman kings—No national gold or bronze coins—No national coinage laws—The circulation filled with Roman gold and bronze coins at Roman valuations under Roman laws—The silver sterlings which are now paraded as the sole monuments of the period really filled but a small part of the circulation—Failure of attempts to prove that the European kingdoms were independent sovereignties.

THE false chronicles of the Middle Ages lead us to believe that the states of Europe during this period were independent sovereignties, but the moment we refer to the monuments we find that this is not true; that they were not independent, but dependent, they were not sovereignties, but vassals to the Roman, or as we wrongfully term it, the Byzantine empire. The most numerous and reliable of these monuments are the coins and the coinage systems. Both of these evidences are to the same effect: down to the Fall of Constantinople the so-called kingdoms of Europe were vassal states and so they acknowledged themselves to be, both in what they did and in what they abstained from doing. Let us take England for example, and for the sake of brevity, limit our researches to the period from the accession of William I., to the Fall of Constantinople.

Had England been an independent state during this interval her coinages would have included gold, silver, and copper, or other base metal, struck in England or for account of the Crown, adorned with national devices and valued by denomination in the English law. To these coins might have been added a few French or other foreign pieces admitted into the circulation from motives of policy or courtesy but valued in the English law in English denominations. On the contrary, England coined neither gold nor bronze metal. Her monetary system was of a totally different character. It consisted of imperial Roman, or Byzantine, gold and bronze coins, together with Norse, "Anglo-Saxon" and Norman silver pieces. Nor had she any coinage laws but such as were promulgated in Constantinople or Rome, nor any national devices upon her scanty issues of silver coins. When

this system has been briefly described it will be shown that immediately after the Fall of Constantinople all these missing marks of sovereignty were supplied: gold and base metal coins of native mintage bearing national devices, valued in the national law and issued by virtue of national mint statutes and indentures.

The authority for the statements we are about to make are the Domesday Book, the Liber Niger, the Rolls of the Exchequer or Accounts of the Treasury, as collated by Madox, and the coins themselves. There can be no higher authority.

During the Norman dynasty the coins which circulated in England and which were received into and paid out of the exchequer consisted chiefly of five classes.

I.—Christian Gold. The gold besants issued by the Basileus at Constantinople contained about 65 English grains fine and were valued at 40 sterlings, this being at the imperial ratio of 12 silver for 1 gold. [1] The besant was a thin and slightly "dished" gold coin, (scyphus,) with the image of Jesus Christ on one side and the effigy and name of the Basileus on the other. It was the direct descendant of the sacred aureus of Augustus and the sacred solidus of his successors, the pagan sovereign-pontiffs or emperors of Rome. The largest transactions were effected with these coins. There are extant a few gold coins of this period which have been assigned to the mints of English Christian prelates, but there is no evidence to sustain this opinion. There can be little doubt that the pieces are heretical. The Anglo-Norman kings coined no gold. The coinage of gold ceased when christianity was introduced, and practically the last gold coins struck in England previous to the reign of Henry III., were the dinars of Offa before he finally submitted to the yoke of the gospel.

II.—Heretical Gold. The Moslem dinar, 60 to 66 grains fine, and the zecchin, 50 to 55 grains fine, were in circulation under the respective names of besant and mancus. Five of the zecchins went to the mark which was valued at 160 sterlings each of 18 to 20 grains of

[1] At the same time the ratio in the Gothic or Scandinavian coinages was 8 for 1 and in the Moslem coinages 6½ for 1; so that a 12 for 1 ratio was a sure mark of Roman coinage and valuation. See entry in the exchequer-rolls, 17th John, 1215, where certain besants (of Constantinople) were valued each at 3*s.* 6*d.* silver. Madox, II, 261. Making allowance for difference of standard between the gold and silver coins and for the probably abraded condition of the former, this evidently means a ratio of 12 for 1. At the same time the ratio for bullion was 9 or 10 for 1. We are not here alluding to the compromise ratios in the coinages of the Gothic kings of the Heptarchy, shown in our History of Monetary Systems, but to the actual ratios for bullion in 5 Stephen, 2 and 16 Henry II., and 15 John. Madox, I, 277; II, 261*n*.

fine silver; a ratio of 9 or 10 for 1. In other words, heretical gold was valued lower than sacred gold, or gold of the Byzantine stamp. Such an exceptional valuation could not have been maintained had there been any lawful means to coin gold in England. There was also in circulation a Moslem gold half-mithcal which was valued at a proportionate rate in silver sterlings. Finally, there was a Gothic or Norse ora which is valued in Domesday Book at 20 sterlings, (or one-eighth of the mark,) and which, at 10 for 1, (the silver value of heretical gold,) must have contained about 38 grains fine. All of these heretical coins, especially the mancus and zecchin, or sequin, were in common circulation and, except the ora, they are frequently mentioned in the texts of the period, or else included in their multiple, the mark.[1]

III.—Christian Silver. The silver penny, or sterling, was the coin employed in the smaller transactions of the period; yet although such coins were struck by the Anglo-Norman kings and are now almost the only coins of the period which are to be found in numismatic cabinets, it must not be supposed that they formed an important part of the circulation or that there were no other coins which went by the same name; for the contrary is the fact. The Roman silver denarii, struck by the sovereign-pontiff of Rome and stamped PERMISSV DIVI AVGVSTI, and afterwards with the names and devices of the Byzantine emperors, circulated as pennies; so also did the half-dirhems of the heretical Moslems; indeed coins were so scarce that in all probability any silver coin, containing 18 to 20 grains fine, went for a penny or more. The Anglo-Norman pennies contained about 20 grains of silver 0.925 fine, equal to about 18½ grains fine. There is reason to believe that they sometimes went for 1½, 2, and even 3 pence each. (History Monetary Systems, ch. VIII.)

IV.—Heretical Silver. Beside the Moslem half-dirhems, there also circulated in England the Gothic or "Anglo-Saxon" silver scats, of which four went to the Anglo-Saxon shilling of account while sixty shillings went to the pound of account. There were therefore two moneys of account employed during the reign of at least the earlier Anglo-Norman kings, namely, the Roman $12\times20=240$ pence, and the Gothic $4\times60=240$ pence to the "pound" of account. However, they were employed in different classes of payments.

[1] The origin of the mark was an object of search to the learned for many years. The word mark is derived from Mercury, merc, market, etc. Both the term and the thing for which it stood were Gothic. The Gothic mark weight was two-thirds of a Roman pound weight; the mark of money was and is still two-thirds of a "pound" of account in money. History Monetary Systems.

V.—Roman bronze coins of varied sizes, types and designs also circulated among the common people and, according to Sir John Lubbock, they continued in circulation down to the present century. We are assured by other writers that such was also the case in the other states of Europe; the bronze coins of the "Byzantine" empire were the only base metal coins in circulation down to and often long after the Fall of Constantinople.

Beside these principal coins the circulation was eked out with the silver coins of France, Venice and other states, all of which being receivable for public dues under the Roman law at the weight-ratio of 12 for 1 of gold, were rated probably at first by the Roman and afterwards by the local authorities at or about this valuation.

But at best the circulation was a scant one, a fact due less to the scarcity of metal, as Mr. Jacob and Sir Archibald Alison have imagined, than to the retention of the prerogative of coinage in the hands of the Basileus. There was plenty of gold and silver in the mines of England and there is yet; but at that time without the "permissu divi Augusti" it could not be coined, and at the present time without paying discouraging royalties it cannot be mined.

Sir Matthew Hale, in his "Sheriff's Accounts," proves that during the Norman æra farms were let variously upon a money rent (numero) or a bullion rent (blanc) but, that in both cases, the actual payments were made in kind. Even the payments into the exchequer, which Madox would lead us to infer were always made in silver, either ad scalam, ad pensum, or by "combustion," were often made with goats and pigs. Lord Liverpool's researches led him to the same conclusion. He says, chapter x, that in the reigns of William I., and William II., and during a great part of the reign of Henry I., the king's rents arising from his demesnes (which formed at that time an important part of the royal revenue), though stipulated in money, were really answered in corn, cattle, and other provisions; because money was then scarce among the people. [3] Such rents continued to be paid in kind, down to a still later period; as we are assured by the writer of the Black Book, or Liber Niger Scaccarii, who avers that he had conversed with men who saw the rents brought in kind to the king's court.

The sterlings of Henry I., are of about the same weight as those of William I., but not quite so fine. These were followed by emissions from the king's mints of debased pieces, which it was afterwards pre-

[3] However, they were commuted for money by Henry I. This was probably after his various coinages of silver pennies had rendered money sufficiently plentiful. Anderson's History of Commerce, I, 248-55.

tended were counterfeits. Upon instructions, no doubt from the Roman pontificate, a recoinage was ordered in 1108; and the severest sentences were threatened to false coiners. In 1123, to lend effect to these threats, the power of Rome was invoked in aid of the crown; and the penalties of the sacred law were added to those of the temporal. The indifference that was manifested toward these solemn injunctions leads to the suspicion that much of the base coining was done under either royal or ecclesiastical authority and by people who knew too much about the crimen majestatis to stand in fear of impeachment.[4] In 1125 the current silver coins had become so corrupt that a large proportion of them would not even pass from hand to hand; and ninety-four accused persons, among them several privileged moneyers, underwent mutilation for false coining. Some writers have credited Henry I. with "abolishing the oppressive tax of moneyage;" but the fact is, that he had no right even to levy such a tax; and its abolition should be credited, not to Henry, the knung, but to his master, the pope.

The only extant coins of Stephen are the sterling pennies of the regular Anglo-Norman weight and fineness. There were also debased coins, struck in Stephen's name; but these cannot be traced to the royal mints. Other debased coins (always of silver) were struck by Stephen's illegitimate brother, Henry, bishop of Winchester; by his illegitimate cousin Robert, earl of Gloucester; by his two sons, Eustace and William; as well as by Roger, earl of Warwick, and numerous other prelates and nobles. In 1139 the sum of forty thousand marks, probably in debased silver pennies, was captured in the castle of the Devizes, from Roger, bishop of Salisbury. In 1181 silver coins, nominally valued at eleven thousand pounds, and gold coins, probably Byzantine, amounting, in value, to three hundred pounds, were found in the treasury of Roger, bishop of York.[5]

Such are the monetary monuments, and such were the monetary systems of the Anglo-Norman kings. That attempts were made to harmonize the diverse materials of which they were composed—Roman, early Gothic, Moslem, Anglo-Saxon, Carlovingian, and Byzantine—is proved by the intervaluations of Domesday Book and the gradual suppression and disappearance of some of these materials, chiefly the early Gothic and the Moslem; but it is equally evident that the attempt

[4] In 1362 the abbot of Missenden was convicted of coining and clipping groats and sterlings; in 1369 the canon of Dunmore was accused of counterfeiting gold and silver coins; and in 1371, the canon of St. Gilbert de Sempingham was charged with secretly conveying coins abroad, contrary to law. Ruding, II, 199-208.

[5] Dr. Henry, History of Britain, III, 311.

was only partially successful; and that there yet remained, as, for example, in the mark and pound, an incongruous medley of pagan and christian denominations; and in the divided authority to coin—for example, to the Basileus, gold, and to the kings, nobles, and prelates, silver (upon conditions)—another medley which faithfully reflected the general confusion of a period from whose history all attempts to deduce an independent national existence for either France, England, Germany, or Spain, have been unsuccessful and misleading.

When England became an independent state, she left no room for doubt as to her proper status among nations; but to contend that she was one during the reign of the Norman kings, almost amounts to a slur upon the courage and patriotism of her always brave inhabitants. It was not the military power of the Normans that conquered England, or kept it in awe, during the medieval period; but the swords, spiritual and temporal, of the deathless Roman empire.

CHAPTER XVIII.

EARLIEST EXERCISE OF CERTAIN REGALIAN RIGHTS.

Purity of the English coinages before the Fall of Constantinople—Corrupt state afterwards—The change due to the destruction of the Sacerdotal Authority, the disappearance of the besant, and the assumption of certain regalian rights by the kings of England—So long as contracts could be made in gold besants, there was no profit in tampering with the silver coinage—Afterwards, such tampering became one of the commonest resources of royal finance—Coinage systems of Henry II.—Richard I.—John—Henry III.—Edward I.

THE evidences which will now be brought together to support the argument of this work, namely, that England before the Plantagenet dynasty was a Fief of the Empire, again relate to those earliest, most widely diffused, and most trustworthy of printed documents, the coins of the realm. These evidences may be conveniently formulated as follows: That previous to the Fall of Constantinople there were but few tamperings with the coinage; afterwards such tamperings became exceedingly numerous; a proof that some event had occurred meanwhile to render their repetition practicable and profitable, such event having been in fact the acquisition by the king, of the coinage rights which the Basileus had lost. That previous to the Fall of Constantinople no king of England had ventured to strike a gold coin, whereas soon after that event and following the example of other princes of the West, a gold coin was struck by Henry III.; and that although this coin was recalled and melted down, it was followed by another one struck by Edward III. The issuance of this last-named coin, the gold noble, or half-mark, is regarded as the definite declaration of England's independence.

Reference to the numismatic portions of this work must convince the reader that from William I., to Henry II., an interval of nearly a century, the coins issued by the kings of England were substantially free from degradation or debasement. In other words, the Norman kings did not tamper with the coinage. The coins were all of one class, namely silver pennies, sometimes also half-pennies, but usually pennies only. Although these did not constitute the only money in circulation, they were the only money issued by the king. The gold coins of Con-

stantinople constituted the backbone of the circulation and kept the rest of it straight. So long as contracts could lawfully be made in these coins, the king of England could make no profit by tampering with the silver pennies; accordingly, he struck the latter, as nearly as he could, to contain exactly the same quantity of fine metal as the gold shilling, or quarter-besant, of the Empire. As previously shown, the besant contained about 73, afterwards 65, grains fine. The gold shilling therefore contained 18¼, afterwards 16¼, grains fine; and this was exactly the contents of silver in the two classes of silver pennies of the Heptarchy and of the Norman kings; twelve of the lighter of such pennies being valued at a shilling and forty-eight at a besant. [1]

With the reign of Henry II., (Plantagenet) commenced those tamperings with money which announced the advent of sovereign power in England and presaged the extinction of Imperial control. Plantagenet inherited from his mother the states of Normandy and Maine; from his father Touraine and Anjou; while from his wife, Eleanor, who had been divorced from Louis VII., he received Poitou, Saintonge, Angumois, and Aquitaine; in a word, he became possessed of the entire western half of France, from the Channel to the Pyrenees. After adding these domains to the crown of England, he acquired Northumbria by treaty with the king of Scotland, and Ireland (1154) by a grant from pope Hadrian IV. The productions and trade of these extensive domains, together with his share of that additional trade and wealth, which, in common with other Christian princes, the king of England derived from the suppression and spoliation of the Spanish-Arabian empire, are indicated to some extent by the vastly increased revenues of crown and mitre, the splendour of the court, and the number and wealth of the churches. To this period belongs some of the finest specimens of ecclesiastical architecture in England. Yet the monetary monuments are still those of a vassal and feudal state. An important part of the coinage was struck, valued, and made part of the circulation, by one foreign prince, (the Basileus,) whilst an important part of the revenues were collected and enjoyed by another (the Pope). The influx of besants, the efflux of Peter's-pence, the defiant issues of baronial and ecclesiastical mints, which included leather and tin coins, all betray the impotency of the king to preserve the National Measure of value from degradation and derangement. Of old sterlings there were probably few or none in circulation when Henry II. came to the throne, but of the base and adulterated coins, issued by the baronial robbers

[1] The heavier pennies went at 40 to the besant. The Roman copper coins of the medieval period have been alluded to else where. Pagan Gothic copper coins were struck.

and ecclesiastical forgers, who flourished during the weak reign of Stephen, there were many. Among Henry's early cares was the suppression of these moneys and the issuance in their place of a new coinage, about the year 1156. This coinage, in violation of the king's commands, was made below the standard; a fault for which he severely punished the moneyers.

About the year 1180[2] Henry II. sent to Tours for Philip Aymary, a French moneyer, and committed to his charge the striking of a new stamp of sterlings. After these were issued, the previous sterlings were retired. In executing this work Aymary was himself charged with fraud and dismissed to his own country; yet the appearance of the coins supposed to have been minted under his superintendence, great numbers of which are extant, afford no support to this accusation. The pieces are indeed badly executed, and may thus have formed a ready temptation to rounders and clippers. The weights, though not on the average deficient, are irregular. Perhaps it was on these accounts that the foreign artist was so summarily treated.

The rates of exchange established by the mint between the new sterlings and the old ones—whether the base ones of 1156 or the rounded and clipped ones, is uncertain—prove that the latter were inferior in value to the former by about 10 per cent; at all events, this rate probably marks the degree to which clipping extended at this period. For £375:3:9 of old clipped money, the mint paid £343:15:6 of new; for £100 old, £89:6:8 new; again, for £100 old, £83:6:8 new; and so on.[3] This nova moneta is known to numismatists as short-cross-pennies, and these became so popular that they continued to be struck in the name of "Henri" until the middle of the reign of Henry III., 1247, although the reigns of Richard I. and John Lackland intervened. This, however, does not necessarily imply that Richard or John struck such coins. The extant coins of Henry belong solely to the last issue. A hoard of these coins was found at Roylston in 1721. Other pieces, to the number of 5700, were found at Tealby in Lincolnshire in 1807. They were as fresh as when they left the mint. According to Keary, the fineness is 0.925, and the contents, in fine silver, of the most perfect specimens, 18¼ grains. Dr. Ruding's valuable but antiquated work gives what seems to be a wholly different account. He says that 5127 of them weighed 19 lbs. 6 oz. 5 dwts. This is an average of 22 grains each, or (assuming the fineness as equal to sterling) 20⅓ grains fine; but as he says nothing of the remaining 573 pieces found at Tealby,

[2] The Norman Chronicle states that the new sterling money was struck in 1175. Madox, I, 278.

[3] Madox, I, 278.

it may be that the average of the whole corresponded with Keary's assays.

With regard to tin money of the nobles, mention of albata, or white money (argentum blancum), occurs in the exchequer-rolls pertaining to the fourth year of this reign, where it is expressly distinguished from silver money (argenti). In the fifteenth year, Walter Hose paid one shilling in the pound for the "blanco firmæ" of Treatham. In the seventeenth year, twenty shillings were paid in "argento blanco;" in the twenty-third year, Walter de Grimesby forfeited a lot of the same metal; in the twenty-sixth year, the sheriffs of London and Middlesex paid in, from the effects of a coin-clipper, £9:5:4 in silver pennies and five marks in "white money." In order to determine the meaning of "white money" it is to be remarked that the term "argento blanco examinato" was used when silver bullion was meant. For example, in the thirtieth year of Henry II., the sheriff of Devonshire paid 8*s.* 9*d.* in bullion (argento blanco examinato) made up of divers old coins, and in the thirty-third year the same sheriff paid twenty-six pennies in bullion (argento blanco examinato) made up of numerous coins dug from the earth. Sir Charles Fremantle was of opinion that the trial of the pix, mentioned in the Landsdowne MS., related to this reign.[4] In this opinion the author finds himself unable to concur, but believes that it relates to the reign of Edward I.

Turning from the monetary system of Henry to that of his successor, we find it marked by the same characteristics, a full legal-tender gold coinage issued by the Basileus and constituting the basis of the system; a silver coinage (pennies) issued by the king, as nearly as practicable of even weight with, and exactly one-twelfth the value of, the Byzantine sicilicus; and a base coinage of local circulation issued by the nobles and ecclesiastics: the gold coinage being never, the silver coinage rarely, and the base coinage frequently, altered.

Although there are no native coins of Richard I., the evidences that he exercised the usual coinage rights of provincial kings, are so numerous as to leave little room to doubt the fact. In 1189, upon his accession to the throne Richard weighed out more than 100,000 marks from his father's treasury at Salisbury; in an ordinance of the same year, moneyers at Winchester are mentioned; in the same year he granted a local coinage license to the bishop of Lichfield; in 1190, while at Messina on a crusading expedition, he found it necessary to command and exhort his followers to accept his money, a tolerably sure indication of coinage; and in 1191 Henry de Cornhill was charged in the

[4] British Mint Report, 1871, p. 12.

exchequer accounts with £1200 for supplying the cambium or mints of England, (except Winchester,) and with £400, the profits of the cambium for a year. The names of Richard's moneyers in his mints at Warwick, Rochester and Carlisle, appear in several texts relating to his reign. Coins which were struck in Poitou under his authority are still extant. Finally, as will presently appear evident, he granted and revoked licenses to nobles and ecclesiastics, to strike tin and other base coins. All these prerogatives were such as were now being exercised by provincial kings; but Richard struck no gold, and made no attempt either to interdict the circulation of the imperial coins or to alter the sacred valuation between gold and silver, which was laid down in the constitution of the Roman Empire.

With regard to the Ransom, the inference of new coinage is totally wanting. In 1192 Richard was taken prisoner on the continent and handed over to Henry VI., of Germany. In 1194 Richard was ransomed for about the same amount of money that he is said to have inherited from his father. This ransom was collected in England and from the possessions of the English crown in France. From the particulars of its collection, to be found in the pages of Madox, it appears to have been contributed in coins. Caxton says that plate "was molten and made into money." Stowe makes a similar statement, altogether ten ancient texts agree in stating that the Ransom was paid in money and that the same was answered in "marks weight of Cologne;" which was natural enough, that being the standard of weight with which the western emperor was most familiar. Notwithstanding this testimony, it may be safely conjectured that there was no new coinage; for such an operation would have been needless, tedious and expensive. The old coin and bullion was probably melted down, refined, cast into bars, assayed, weighed and delivered to the emperor's nuncio, a supposition that precisely agrees with Polydore Vergil's account of the affair.

In this same year, 1194, according to Trivet and Brompton, the king decried divers coins of the nobles and ecclesiastics, which remained in circulation, and ordained one kind of money to be current throughout his realm.[8] Among these various coins were those of tin. Camden would have us believe that the coinage of tin was a term used to denote merely the payment of that forty shillings per one thousand

[8] In this same year, 1194, occurs what has been regarded as the earliest mention in extant texts of the mark, valued at 13*s.* 4*d.* Fleetwood, 30, from M. Paris; but as shown in a previous chapter, the mark of 13*s.* 4*d.* is three or four centuries earlier. The mark of 1194 was composed of five gold maravedis; and 13*s.* 4*d.* was its value in silver at the Christian ratio of 12 silver for 1 gold.

pounds weight, which was the heirloom of the dukes of Cornwall; but this can only relate to a subsequent period, for there were no dukes of Cornwall in the reign of Richard I.

In 1196 Henry de Casteillun, chamberlain of London, accounted to the king for £379:1:6 received for fines and tenths on imported tin and other mercatures, also for 16*s.* 10*d.* the chattels of certain clippers. [6] In the same year 39*s.* 1*d.* were allowed to Odo le Petit, in his account for the profit of the king's mint, for erecting therein a hutch and forge (fabrica) and utensils for making "albata silver," or albata money (dealbandum argentum), also 44*s.* for a furnace and other devices for working the same. These coins, though struck in the royal mint, were not of royal issue, and could have had only a local and limited course within the domains of the noble for whom they were made. In the same year the sheriff of Worcestershire accounted for £40:13:6 albata, or album money, the balance of his ferm of the county. Of this sum he had paid £12, in album money, to the archbishop of Canterbury, and owed £28:13:6 in album money to the exchequer, besides enough more to make up the difference between £12 silver money and the like sum album money paid to the aforesaid archbishop. In explaining the use of the term blanc, Madox confuses blanc silver and blanc money. The former was silver bullion, the latter a white money, sometimes called album, made wholly, or for the most part, of tin. The meaning of album money is clearly indicated in several of the exchequer-rolls which he himself cites. [7]

In the same year (1196) the king granted a coinage license to the bishop of Durham. In 1198 William de Wroteham accounted at the exchequer for the yearly ferm and profits of the mines of Devonshire and Cornwall, partly in money and partly in tin bullion. This bullion appears to have been sold for tin marks; for in the 13th and 14th John, who succeeded Richard I., this same William de Wroteham accounted to the king both for his ferm and for the marks obtained from the tin (de marcis provenientibus de stanno). It may be safely inferred that in all cases these base coinages were issued by the nobles or ecclesiastics and were of limited course. [8] The albata money of Richard's time was either a composition of tin and silver, a good deal of tin and very little silver, or else merely tin coins blanched with silver. The clippers, whose chattels were confiscated to the exchequer by

[6] Madox, I, 775.

[7] Madox, I, 280.

[8] The writers who allude to these corrupt coinages are Tindal, Notes to Rapin, I, 258; Leake, Historical Account of English Money, 58; Nicholson, Eng. History, I, 254; and the modern writers on tin and base coins.

Henry de Casteillun, must have practiced their art upon the royal coins; for there could have been but small profit from exercising it upon those of the nobles.

Although immediately after the payment of his ransom, Richard decried all other coins but his own, his edict became a dead letter; indeed he was probably glad enough to see the base coins remain in circulation. The population of England and Plantagenet France, during the reign of Richard I., was probably not over four or five millions, and the total money, not over as many shillings, or say £250,000. Richard's ransom therefore stripped the kingdom of probably one-third or one-fourth of its Measure of Value; and but for the album money of his nobles, this circumstance might have brought on far greater calamities than the release of the king was expected to avert.

The main defect of the tin coins was not the low cost of the material of which they were composed. The gold and silver obtained from the spoliation of the Moslems and the Jews were cheaper than tin, for they cost nothing to produce beyond the labour of cutting so many pagan aud infidel throats; whilst tin ore had to be discovered, excavated, and reduced to metal. But there was no world-wide demand and no world's Stock-on-Hand to enhance and steady the value of tin; whilst as to gold and silver, there was; and this is chiefly what has always rendered these metals preferable for coins. Tin coins were also easily counterfeited, the material was exposed to rapid oxidation, and the condition of society and government was wholly unfitted for the use of coins of any material. which could not conveniently and without substantial loss, be buried in the earth for use in future and safer times.

There are no English coins extant of John. It is stated that this king sent for certain Easterling artists to refine his silver coins.[9] These may have been the coins he struck in Ireland, as Lord Paramount of that country, specimens of which still remain. On the other hand, they may have been English sterlings, of which no specimens with his stamp have yet been found.[10] John lost the most of his French possessions to Philip II., and thus almost at the outset of his career, gained the name of Lackland. His return to England was marked by the imposition of fines and aids, which, because they extended to the monasteries, earnt for him the curses of the archbishop of York and

[9] Anderson's History of Commerce, I, 199.

[10] The Encyc. Brit., art. "Coin," states that since Richard I., all coining has been confined to the Tower of London and the provincial mint of Winchester. This is a double error. Sir Matthew Hale's account of this matter is the correct one.

a defamation of character which extends to the present time. This being probably in some measures unjust, should enjoin caution in weighing the events of his reign. [11] Camden ascribes to this period the leather money attributed to John; but though belonging to his reign, it may have been issued by his vassals. At all events, it wholly failed to secure public appreciation. In 1205 John publicly decried all coins which were clipped more than an eighth, severely denounced and threatened all clippers, especially the Jews, whom he affected to believe were the chief offenders, forbade the reblanching of old pennies, which could have been none other than the tin coins of his nobles, and fixed the rate for exchanging "fine and pure silver at the king's exchanges of England and at the archbishop's exchange of Canterbury, at sixpence in the pound." This could not have meant the exchange of new coins for old ones by tale, because the latter were much worn and clipped. It probably meant the exchange of new coins, weight for weight, for old ones.

More important, however, than the king's coins, were those of the Basileus. The form used in England for expressing large sums of money proves the still common use of gold besants and Byzantine gold shillings. For example, in the previous reign, where £100 of old coins are bought for £83:6:8 of new, the sum is thus written in the Great Roll of the exchequer: "quartor XX*l* & LXVj *s* & Viij *d*," meaning four score libras, sixty-six solidi, and eight denarii. The former evidently meant actual besants and quarter-besants or little solidi. In the Magna Charta of this reign, Art. 2, where "centum solidus" is mentioned as the price of a knight's relief (a sort of succession duty) it is usually translated as "one hundred shillings." Were these shillings merely moneys of account, as is commonly held, it would be difficult to explain why they were not expressed in "libras," or pounds of account, like the sums which precede them in the same text. They were evidently actual quarter-besants, or shillings, and therefore belonged to the gold issues of the Basileus. The vassalian coinage of tin, which characterized the preceding reigns of Plantagenets, appears to have been also permitted by John; for in the thirteenth year of his reign (1211), William de Wroteham paid into the exchequer £543:5:0, and in the following year (1212) £668:12:9, for the money which he was permitted to strike from the tin of Cornwall and Devon. [12] The meaning here given to this record finds corroboration in the allowance of one-eighth for clipped coins, contained in the decree of 1205, which would have been

[11] Anderson's History of Commerce, I, 193.

[12] Provenientibus de Stanno Cornubiæ et Devoniæ. Madox, II, 132.

excessive and impracticable in relation to sterling silver, but which, when applied to tin or albata coins, was reasonable.

Two years after John had taken that humiliating oath of vassalage to the Pope which is mentioned in another place, he revolted from his servitude and, in the Great Charter, which he sealed at Runnymede, June 15, 1215, he assumed powers which only belong to an independent monarch. With the fickleness that marked his entire career, he abandoned and violated this charter in the following August; and in September it was formally annulled by his master, the Pope. Soon after this, John was poisoned to death. He was a weak prince, but brief though his reign and irresolute his purpose, he earned the glory of executing an Instrument which has served as the model of every Bill of Rights won by the people, from that day to the present. Though disclaimed by John and denounced by the Pope, Magna Charta was not dead, but lived on; and both in its inception and repeated confirmation, it marks the slow and toilsome steps by which the people have won, from hierarch, king, and noble, their present inestimable liberties.

The only silver coins of the reign of Henry III., now extant are the sterlings struck in 1248, originally of the usual weight and fineness, but for the most part much worn, rounded, and clipped. In addition to these issues, certain base coins were in circulation which are reputed to have been of foreign fabrication, but which are most likely to have been struck by or for English nobles and ecclesiastics. Some of these were probably coined in the abbey of St. Albans. When complaint was made of them, the transgressors were permitted to avail themselves of a technical defense, and so escaped punishment.[13] Herne states that he had one of these base coins in his possession and describes its composition.[14]

The presence of tin money, also struck by the nobles and ecclesiastics, is evinced by several contemporaneous references which point to the use of that metal for coinage. The following passage from Matthew Paris, sub anno 1247, is an example. "As the money was now adulterated and falsified beyond measure, the king began to deliberate on some remedy for this, namely, whether the coins could not be advantageously altered in form or metal; but it seemed to many wise persons that it would be more advantageous to change the metal, than to alter the shape; since it was for the sake of the metal, not the shape, that the money was subject to such corruption and injury." However, as a matter of fact, the king did not change either the metal or the shape.

In the 30th Henry III., the sheriff of Devonshire paid into the ex-

[13] Madox, I, 759, note X.

[14] W. Henningford, Preface, p. xlv., cited in Ruding, II, 74.

chequer 25*s.* 1*d.*, the profits of his contract for mining the black metal, (nigra minera,) which we take to be tin, that being its usual colour in the ore (oxide). He also accounts for 79*s.* received from the sale of dealbanda and tin. Dealbanda seems to have been a composition of tin, like album or albata. He also accounts for £6:18:8 profit upon an issue of small coins and of £54:15:3 upon an issue of large coins, (de exita majoris cunei), both of which were evidently of tin and were emitted by some local magnate. The comparatively small profit thus derived by the crown from the issue of tin coins in one of the principal tin mining districts of England, implies a dwindling of this coinage. It is true that we have no accounts from Cornwall and none from the mints, of tin coined during this reign, so that quantitative conclusions drawn from this single entry are apt to be misleading.

Although, as is shown in another chapter, this reign is marked by the issue of a native gold coin, the first one ever struck by a Christian king of England, the issue was almost immediately retired, and matters remained apparently as before; so that the besants of the Sacred mint continued to form the basis of the English monetary system. But though in shrinking from the coinage of gold the king was afraid to definitely repudiate the suzerainty of the Sacred empire, the nobles and the burghers were not. The General Council of 1247 resolved to lower the standard of royal silver coins, an act which by itself is almost sufficient to mark the fall of the Sacred empire and the declining authority of Rome.[15] Corrupt coins made their appearance in all directions, counterfeit coins at St. Albans, tin coins in Cornwall and Devon, base and clipped coins everywhere.[16] It is now evident that at this juncture the besant began to disappear from circulation and that its agency in regulating the English monetary system was sensibly diminished; but in the æra of the Plantagenets no such explanation of coinage difficulties offered itself. In that age the solution of all monetary problems was found in torturing the Jews. Henry had resorted to this measure before the decision of the General Council.[17] He now resorted to it again. It was a pretty theory, a furtive belief in whose efficacy is not yet wholly effaced from the minds of men; but it did not work. With the second persecution of the Jews the besants became still scarcer; and, as for lack of them, contracts could no longer be discharged with them, the use of other coins was rendered unavoidable and the multiplication of base or overvalued ones was thus encouraged. One of the last contracts in which the consideration is specifically expressed in

[15] The profits of this coinage are shown in Ruding, II, 67. [16] Ruding, II, 74.
[17] The Second massacre of the Jews was in 1264.

besants, is still extant. It is a Hebrew bond and mortgage, executed during the reign of Henry III., a complete English translation of which, by Dr. Samuel Pegge, the antiquarian, appeared in the Gents Magazine, 1756, p. 465. The besants are therein called "Iaku of gold," in allusion to the radiated figure which is stamped upon all the later issues, Iaku being the Hebrew form of the Greek Iacchus and Roman Bacchus.

The division of the pound of account into twenty parts and each of these into twelve, was in this reign extended to the pound weight, used for the assize of bread, and still more strangely, was it imitated in the subdivisions of the agrarian acre. By the act 51 Henry III., (1267,) it was provided, among other things, that "when a quarter of wheat is 12*d.* per quarter, then wastel bread of a farthing shall weigh £6:16*s.*"; by which we suppose was meant 6 4-5 pounds' weight.[18] A similar enactment was made as to acres. The acre was divided into 160 pence, or 320 half-pence, or 640 farthings, so that it tallied with the subdivisions of the mark of account.[19] Thus denariatus terræ, a penny of land, meant a rod or perch, because the perch was the 160th part of an acre, as the penny was the 160th part of a mark.[20] So the obolus, or half-penny, of land, meant half-a-perch, and the quadrante, or farthing of land meant a quarter of a perch, or 4¼ square feet. The expression "40 great, long perches of candles," quoted in Anderson's History of Commerce, and the use of "shillings," for ounces, in the mint accounts of Henry III., are puzzling.[21] This application of the divisions

[18] Martin Folkes, Table of English Silver Coins; Harris on Coins, 1, 51.

[19] Bishop Fleetwood's Chronicon Preciosum, p. 40.

[20] That weights are derived from coins—and not coins from weights, as is commonly supposed—appears to be demonstrated from the earlier English statutes on this subject. That of 51 Henry III., A. D. 1266, says: "An English penny, called a sterling, round and without clipping, shall weigh 32 wheat corns in the midst of the ear, and twenty pence to make an ounce, and twelve ounces one pound." The statute of 12 Henry VII., (1496,) declares that "the pound Troy shall consist of 12 ounces each of 20 sterlings or pennyweights, each of the weight of 32 corns of wheat that grew in the middle of the ear." It is evident in both these cases that the weight of the ounce and pound Troy was derived from that of the sterling, and not the sterling from the pound Troy. Because the latter contains what is now determined to be 5760 grains, it does not follow that the pound sterling, or pound of account, consisted of 20 x 12 = 240 sterlings each of 24 grains of silver. This is the common belief, but it is erroneous. We possess thousands of sterlings of both these reigns, but none of them contain so much as 24 grains of silver, because they are all composed of a variable alloy of copper, which, at the least, amounts to 7½ per cent, and sometimes to 12½ per cent, which alloy, in constructing the pound weight and in calculating the pound of account, was reckoned as so much silver.

[21] Anderson, Com. 1, 178, and Ruding, 1, 179. The term "shilling" appears to have been used also in the mint accounts of this reign, for an ounce weight. Fleetwood, Ruding, etc. The origin of this practice is obscure. Twelve sterlings (value one shilling) weighed less than half an ounce; so it could not have been derived from this analogy. Perhaps it was due to the use of tin or albata pennies, of which twelve may have roughly weighed an ounce.

of imaginary moneys, to weights and measures, was not peculiar to England. It is to be found in all the kingdoms which grew out of the Roman provinces; for the custom is as ancient as the Empire itself. Wine measures were based on the Roman ace, which was the integer, and consisted of twelve cyathi. Thus, a cup of two cyathi, was called a sextans, three cyathi a triens, four cyathi a quadrans, etc., after the names of Roman coins.[22]

Many modern economists and writers on money have argued that because, by the law of 1267, a £ meant a pound weight, as applied to bread, therefore it meant a pound weight of silver, as applied to coins; that because an *s.* meant the twentieth of a pound weight, as applied to bread, therefore it meant the twentieth of the pound weight of silver, as applied to coins; and that as a *d.* meant the 240th part of a pound weight, as applied to bread, it meant the 240th part of a pound weight of silver as applied to coins. This mode of reasoning, if applied to the subdivisions of the acre, would lead to very startling results. For example, because by law a mark meant the whole, and a penny the 160th part, of an acre, therefore when applied to coins, the mark meant an acre of silver and the penny, a perch of that metal!

Another fallacy of money, one of practical importance at the present time, derives its origin from the monetary issues of this period. Jevons, in his "Money and Exchange," avers that the "standard" of England from the reign of the Plantagenets to that of the House of Brunswick, was silver, and afterwards gold. This is one of a host of modern sophistries which have sprung from the Act of 1666; and which no one, before that period, ever stumbled upon. It will be found in Harris' "Essays on Money and Coins" printed in 1757 and possibly in somewhat older books, although neither so old as the Act of 18 Charles II., nor as that story of the disputative knights and the shield, which on the one side, was of yellow metal, and the other, of white. In the case of money, the shield was neither of one metal nor the other. The term "standard," as used by Jevons, can only mean measure, and neither gold nor silver metal was ever the measure of

[22] Adams, 396. The custom is accounted for by M. de Vienne. In 9th John the Cambium of London (the Mint) charged in its accounts, "for gold weighing xxi shillings and viii pence, x *l.*"; that is, for as much gold as weighed down 260 silver pennies (weights) they charged £10, or 2400 pennies (money). This bespeaks a ratio of about 9 for 1. In Tetuan (Morocco) house property is charged with a water rent which is regulated by the size of the main water pipe that enters the house. This pipe is not measured by *dhra 'a* or by *tomins*, but by "the size of a coin of given denomination and date; a simple measure, always accessible." Talcott Williams, "Historical Survivals in Morocco," N. Y., 1890, pamph., p. 34.

value in England until 1666; while, since that date, it has been such only to a limited extent, and under the operation of that act, as affected by subsequent legislation. Down to 1666 the "standard" of England was the whole number of £ *s. d.* in the kingdom, whether of gold, silver, tin, copper, or leather; and the whole number of £ *s. d.* was whatever the combined coinages of Basileus, king, barons, and prelates, conspired to make it. In the course of the present work many instances have been given when the king altered the measure or "standard" of value by simple decree and without increasing or diminishing the quantity of either gold or silver; an irrefragable proof that the "standard" was not either of these metals, nor any other metal; but merely the number of £ *s. d.*, whether coined, or existing by the king's will. Had either gold or silver metal been the "standard" of value, that standard would have been beyond the power either of Basileus, pope, or king, to alter. It needs but a cursory perusal of the annals of the time to be convinced that such was not the case, and that in fact gold and silver metal had very much less to do with measuring value than the imperial and royal constitutions and edicts.

Edward I., Longshanks, had lived many years at the court of Alfonso El Sabio, and according to Calcott, (1, 461,) he had received knighthood from him. Here he had doubtless learnt those methods of asserting the independence of his future crown from the suzerainty of Rome, which Alfonso employed in his newly established Siete Partidas. Upon ascending the throne of England Edward found the coinage of his country in great confusion and very corrupt. The sterlings of Henry III., badly executed and so much worn and rounded or clipped, that they contained but half their original weight of silver; the base silver coins of the nobles and ecclesiastics, which had in great degree replaced them in the circulation; the gold besants and maravedis which the Jews and goldsmiths hoarded for export; and the numerous foreign silver coins which had crept into the circulation; combined to form a melange of money which was impossible to replace and troublesome to improve. Before making any efforts in this direction the king commenced to fill his treasury by robbing the Jews and the goldsmiths, putting great numbers of the former to a cruel death and throwing the latter into prison. In the reign of Edward III., there were few or no Jews left to kill, so the king robbed the Lombards; in that of Charles I., there were no Lombards, so the king robbed the goldsmiths. Edward Longshanks' apology for slaying the Jews was that they circulated base money, but in fact everybody did

this, including the king himself, for there was at one period practically little other money in circulation. Their real crime was the hoarding of that gold which the king coveted.

Edward's raid upon the Jews and goldsmiths was made in 1279, the eighth year of his reign. As a makeweight to this transaction, he affected great concern for the purity of the silver coins purchased with this innocent blood. In the ninth or tenth year of his reign he ordered the barons of the exchequer to "open the boxes of the assay of London and Canterbury, and to make the assay in such a manner as the king's council were wont to do."[23] Nothing is said in these instructions about the base coints minted at St. Albans; nor the coinage of tin in Devon and Cornwall; nor the issues of leather moneys at Conway, Caernarvon, and Beaumaris; nor the pollards and crockards, valued in other royal edicts; nor the light coins, called, from their devices, Mitres and Lions; nor the Cocodones, Rosaries, Stepings, and Scaldings; [24] nor the three sorts of copper coins which this king issued, after cunningly plating or washing them with silver. Lowndes, with some intemperateness, attributes to this reign "the most remarkable deceits and corruptions found in ancient records to have been committed upon coins of the kingdom." Nothing is said of these matters in Edward's instructions concerning a trial of the pix and nothing is said of them in modern numismatic works.[25] Yet these corruptions of money have the highest historic value. Just, as in after times, the New England shilling first announced the stern resolution of her people to be free, and the "Continental" note proclaimed and asserted that freedom, so did the leather notes and base coins of Edward's reign mark the parting of that mighty cable which held the province of Britain to the sinking ship of the Empire. The laws of politics, like those of pathology, are not gained by study of the healthy or the normal; but by observing the diseased and the abnormal.

In 1289 an indented trial piece of the goodness of old sterling (0.925 fine) was ordered to be lodged in the exchequer and "every pound weight Troy was to be shorn at twenty shillings and three-pence, according to which the value of the silver in the coin was one shilling eight-pence farthing an ounce." So says Lowndes, 34, citing the Red Book of the Exchequer, but this citation only conveys part of the truth, the remainder being supplied by Dr. Ruding. This more conscientious author states, with reference to sterling coins, that from

[23] Madox, I, 291. [24] Fleetwood, 39, 47.

[25] For leather issues of this reign consult Ruding, II 130, and "Money and Civilization." p. 64.

the Conquest down to the year 1527, the royal mints of England bought bullion by the pound Troy (5760 grains) and sold it by the pound Tower (5400 grains); so that even when the buying and selling price was the same, there remained to the crown a profit of about seven per cent.[26] The weight of Edward's sterling pennies, many of which, in a perfect state of preservation, are still extant, corroborate this statement. If we assume, with the Red Book, that Edward paid 243 sterling pence per pound Troy for sterling silver bullion—which is doubtful, for there were probably deductions made from this price to cover the cost of coinage—the coins prove that he sold it at 260 pence per Troy pound, or, which is the same thing, 280 pence per Tower pound. According to Keary's assays, the extant sterling pennies weigh 22½ grains, 0.966⅔ fine, equal to about 20¾ grains net; but these relate to exceptionally heavy specimens.

In the same year, (1289,) says the Black Book, Edward sent for foreign moneyers to teach him how to make and forge moneys. Forging here means simply striking. It does not relate to the forged coins which were current in this reign and which Edward's apologists imputed to the foreigners and the Jews, but which it is much to be feared were made with the connivance and for the profit of that ingenious prince himself. However, the Jews suffered for the forgeries all the same; for in the very next year Edward plundered and banished the remainder of them from the kingdom.[27] In 1298, (27 Edward I.,) it was commanded that all persons, of whatever country or nation, may safely bring to our exchanges [28] any sort or sum of good silver coins, or bullion, which shall be valued or reduced by the assayers according to the "old standard" of England. Silver bullion, when assayed and stamped with its value at our exchanges, may be used as a medium of barter, that is to say, as money.[29] This was similar to a Brazilian regulation of the sixteenth century; and so far as it attempted to give currency to bullion, it proved quite as impracticable and futile.[30] It was also provided by 27 Edward I., that

[26] The statute of the Pillory and Tumbrel and of the Assize of Bread and Ale, 51 Henry III., (1266,) provides punishment for those "that sell by one measure and buy by another"; a proof that the royal example had become contagious. A similar interdict against buying and selling by different measures occurs in Mahomet's Koran.

[27] See Forgery, confession, and pardon, of Sir William Thurington, in the reign of Edward VI.

[28] The "exchanges" were offices in the mint for exchanging coins. Madox, I, 291.

[29] This could only mean the value of the silver with reference to gold, a value which the coins of the Basileus still imposed and fixed.

[30] Prec. Met., p. 119; Money and Civ., pp. 17, 78, 146.

no bullion shall be exported out of the country without special license. This prohibition was repeated by Edward II., in 1307, thus implying that it had meanwhile been successfully evaded. This and some other acts of the Plantagenets, which encroached upon the imperial prerogatives of Rome, must be recognized as efforts on the part of these kings of England to throw off their allegiance to the empire. But it was not yet quite thrown off. In 1299 (28 Edward I.,) it was provided that silver plate shall be of no worse standard than coins. Gold-plate shall be no worse than the "touch" of Paris. All plate shall be assayed by wardens of the craft and marked with a leopard's head. The wardens shall visit the goldsmith's shops and confiscate all plate of a lower standard. This was a new exercise of royal authority.

With regard to the pollards, crockards and other base coins of the reign, Dr. Ruding assumes, apparently because they were base, or because their coinage does not appear to be provided for in the laws or mint indentures, that they were of foreign fabrication and surreptitious circulation; but this does not follow. Base issues were the rule, not the exception, of this reign. It is mere prejudice to heap them upon Phillip le Bel and other French kings and omit them from the records of the English monarchy. Base coins were quite as common in England as in France; they were due to similar circumstances; they were attended by similar social phenomena; they had similar results; and no good can come of their suppression, concealment, or false ascription, by modern historians. Pollards and crockards appear in the circulation so early as 1280. In 1303 (32 Edward I.,) the "custodes of the Ordinance for the Money at Ipswick" were charged upon the exchequer-rolls with £14:4:11 for pollards and crockards.[31] If these were foreign and unlawful coins, it is difficult to account for their use in the royal treasury and their appearance and recognition in the royal accounts. In 2 Edward II., (1308,) there is an entry of a relief granted to the king's sheriffs and bailiffs, who had received these coins "then current" at a penny each, which "by the king's proclamation were fallen from a penny to a half-penny."[32] Does this look like a reference to foreign or discredited coins? The king's officers are first required to receive them at a penny and afterwards at a half-penny each, and royal relief is granted to them for such of this class of coins as had accumulated in their hands during the royal alteration in their legal value. That they were in use during the whole of the reign of Edward I., and part of that of his successor is of itself almost sufficient proof of their legality. It has been stated that they were decried in

[31] Madox, I, 294.

[32] Madox, I, 294.

1300 (29 Edward I). It is possible that this was the date when they were lowered by proclamation; but the entries above quoted prove that they actually continued in use for several years afterwards. As to their omission from the laws and mint indentures, there are no such instruments extant. With a fragmentary and unimportant exception, all instruments relating to the coinage, previous to 18 Edward III., if any existed, which is very doubtful, have been lost or destroyed.

The extant sterlings ascribed to the first and second Edwards are not distinguishable, one from the other. Numismatists assign those with the name composed of the fewest number of letters, as "Edw," to Edward I.; those with more letters, as "Edwa," to Edward II.; and those with the full name, "Edwardus," to Edward III. This classification is attributed to archbishop Sharp, a numismatist of the last century, whose reasons for its adoption are, however, far from convincing.[33] In respect of the groats, bishop Sharpe's capricious arrangement was as capriciously reversed, for there the full spelt "Edwards" are ascribed to Edward I., and the abbreviated Edwards to his successor. For the reason that Lowndes' citation from the Red Book merely relates to the buying price of silver at the exchequer, and as there is no certainty that any of the extant coins were struck by Edward I., and finally because it is incredible, in such a condition of society as existed during this reign, that sterlings should have remained in a circulation already filled with tin, copper, and leather issues, we should deem it quite likely that no sterlings at all were issued during this reign, were it not for a circumstance recorded by bishop Fleetwood, namely, that Edwards' sterlings were valued at the time at two, three, or four pence, or sterlings, each, a custom quite common both in England and France during the whole period, from the thirteenth to the fifteenth centuries, but commonly ignored or suppressed by modern writers on the subject.[34]

Among his other issues, Edward struck silver coins weighing 80, 85, 92, 116, and 138 grains each, which are regarded variously as groats, shillings, medals, etc., but which might have passed as half-marks, or even marks, for all that can be learnt from the few records now left of his numerous issues and their capricious valuations. The whole sum of money coined during this reign is estimated by Dr. Ruding at less than £16,000; but as this calculation leaves out of view the enhanced legal valuation of the sterlings, it is of little worth.[35] The native mines

[33] Ruding, II, 123, from Bib. Top. Brit., No. xxxv., p. 25. Per contra, see Leake, p. 8, and Folkes.

[34] Fleetwood, 34, 35, 39, etc., and "Present State of England."

[35] Consult Humphreys, 140; Sir M. Hale in Davis' Reports, ed. 1674, p. 18; Drier's Rep., 7th ed., VI., fol. 82; Madox, I, 294; "Money and Civilization," 65; Ruding, II., 129.

produced some small amounts of silver in this reign. Those of Martinstowe in Devonshire yielded 370 lbs. weight of silver in 1294, 521 lbs. in 1295, and 704 lbs. in 1296; after which they seem to have been abandoned as unprofitable.[36] An assay of silver from the mine of Byrlande in Devon, was made in 24 Edward I.[37] The assumption of control over the mines, which the rendition of these accounts imply, was also a new exercise of royal authority.[38] The system of £ *s. d.* remained unchanged, but what constituted a pound of account was now quite within the King's newly assumed powers to determine, at pleasure. The king's prerogative, to raise or lower moneys, or to enhance or diminish their value, or to reduce them to bullion, a prerogative which had only been assumed by Henry II., when the Sacred empire drew to its close, and was only asserted after the Empire had expired, developed, during the course of Edward's reign, into a practical form. The hour of England's complete independence was at hand.

[36] Jacob, 195.

[37] Madox, I, 291.

[38] The earliest assertion of the doctrine of "Mines Royal" which was made by any European sovereign after the Fall of Constantinople occurs in the "Siete Partidas" of Alfonso El Sabio. "Cartilla Practica," Burdeos, 1838. (Br.Mn.Library, No.7106,f.4.)

CHAPTER XIX.

GRADUAL DEVELOPMENT OF ENGLISH NATIONALITY.

No mint indentures prior to Edward I.—No statutes of any kind previous to Magna Charta—Sudden beginning of frequent monetary changes in the reign of Edward II. —Significance of this movement—Progressive assumption of regalian rights—Lowering of pollards and crockards—Interdiction of commerce in coins and bullion—Lowering of sterlings—Establishment of a Maximum—Coinage of base money by the king —His death—Accession of Edward III.—New monetary ordinances—Black money—Mercantile system—Tin money—Review of the gold question—The maravedi of Henry III.—Preparation of Edward III. to issue gold coins—Permission from the Emperor —Convention with Flanders—Authority of parliament—Issue of the double florin—Its immediate retirement—Fresh preparations—Issue of the gold noble or half-mark —Its great significance.

NO written annals so plainly mark the steps by which England gradually developed from the provincial to the national phase of its existence, as those which are stamped upon the coinages of the second and third Edwards. Before describing these issues, one or two observations are necessary. With the exception of the statute 28 Edward I., already cited, not a single indenture of the mint, from 1066 to 1346, is extant at the present day; nor is there any reason to suppose that any ever existed. If negative evidence were admissible in an enquiry of the present kind, this fact would be conclusive. It furnishes the inference that down to the æra of the Plantagenets the princes of England did not enjoy control of the coinage and had neither occasion nor authority to prescribe its regulations. The continued coinage and circulation of the gold solidus by the Basileus, its recognition by the Latin pontificate, and the prescriptive ratio of 12 silver for 1 gold, rendered the coinage of silver by the king a mere perfunctory act. The silver penny coined by Christian princes had to be of the same weight as the gold shilling coined by the Basileus. When the penny failed to conform to this rule, it failed to circulate, and the Council of the Lateran was certain to seal the prejudices of the public with its official condemnation of the heretical coin. But no sooner was the power of the Basileus extinguished, than all this began to change, and every prince of christendom stretched out his hands to

grasp the coveted prerogative of coinage. The Gothic princes, as usual, were the foremost. It was a Gothic prince of Leon who next after the emperor Frederick struck the first Christian coin of gold, and a Gothic prince of Denmark who first openly repudiated the suzerainty of pontifical Rome.[1] It need hardly be added that in such a cause the Gothic kings of England were not behind their compeers. Gold coinage began with Henry III., and mint indentures with Edward III.

Not only are there no mint indentures before the fourteenth century, there are no national laws of any kind previous to the Fall of Constantinople. The earliest entry in the Statutes at Large is an altered copy of Magna Charta, not drawn from any official registry, but fished out of an antiquarian collection. Hardly more creditable is the appearance of the ordinances which follow it, down to the reign of Edward III.[2] They have all the appearance of having been "restored" in modern times. If the kings of England previous to Edward III. were not vassals, why have we none of their ordinances; and if the Pope or the Emperor was not their suzerain, why do the marks of the latter's superior authority appear in this, as indeed they do in every kind of literary record, except indeed upon the pages of recently written British history?

However, it is not alone upon literary evidence that our argument relies; it stands also upon the far more certain evidence of coins and the nummulary grammar. Many of these evidences have been already adduced. Those which will now be furnished relate chiefly to the sudden and frequent alterations of money which began after the Fall of Constantinople and culminated in the reign of Edward III. There are indeed many modern writers who either affirm or assume that no such alterations took place; but the evidence against them is overwhelming. From the accession of Edward I., to the coinage of gold by Edward III., is a period which corresponds with the reigns of Philip le Hardie, Philip le Bel, Louis Hutin, Philip le Long, Charles le Beau, and Philip Valois, when we are taught that hundreds, almost thousands, of alterations were made in the monetary system of France, of which country a part still remained subject to the kings of England. In the single year 1346, reign of Philip Valois, there are recorded no less than ten alterations of the ratio between gold and silver in the French coinage. As to the debasements and degradations of Philip le Bel, every

[1] "Waldemar, King of Denmark, etc. To the Bishop of Rome, Greeting: We hold our life from God; our kingdom from our subjects; our riches from our parents; and our faith from thee; which, if thou wilt not grant us any longer, we do by these presents resign. Farewell." Boulainvilliers', "Life of Mahomet," ed. 1752, p. iii.

[2] These ordinances are not in the English, but the Roman, language.

historical work is full of them. Yet all this time, while a furious storm of monetary changes and financial shifts were raging across the Channel and whirling into every nook and corner of the English possessions in France, the numismatists and political economists assure us that England lay in the midst of a dead calm, and that nothing of the sort happened there. How utterly unfounded is the inference upon which they rest so confidently, will be seen when the positive evidence of the extant coins is unfolded.

The wave of monetary alterations which distinguishes this period began in Gothic Spain, whence it flowed into Gothic France and England. The changes which began in France with Philip le Hardie and became so numerous under Philip le Bel and his successors, have rarely been correctly described and never fully understood. Even Mr. Hallam, one of the ablest and most impartial of historical writers, must have failed to grasp the significance of these transactions, when he stigmatized them by the coarse names of fraud and robbery. "The rapacity of Philip le Bel kept no measure with the public. . . . Dissatisfaction and even tumults arose in consequence. . . . The film had now dropped from the eyes of the people, and these adulterations of money, rendered more vexatious by continued recoinages of the current pieces, upon which a fee was extorted by the moneyers, showed in their true light as mingled fraud and robbery."[3] The fidelity of this description is discredited by Mr. Hallam himself, who, elsewhere says: "These changes seemed to have produced no discontent," an admission that ill agrees with the imaginary dissatisfaction and tumults above set forth. That the crux of the situation is misunderstood by this writer is evident from the absence in his pages of all allusion to the Fall of the Empire, and the recent acquisition of its coinage prerogatives by the Christian states of the West.

If we turn from Mr. Hallam's condemnation of Philip le Bel to his approval of his contemporaries, the princes of England, we shall find even less cause to be satisfied with his opinions on this subject. In the former case they find some apology in the defamation with which the medieval ecclesiastics pursued Philip for curtailing their privileges and restraining their rapacity; in the latter, he is left with the poor defence of patriotic partiality. Says the historian: "It was asserted in the reign of Philip le Bel as a general truth that no subject might coin silver money. The right of debasing the coin was also claimed by this prince as a choice flower of the crown." Whilst, a little farther on, in the same paragraph, he says: "No subject ever enjoyed the

[3] Hallam's "Middle Ages," chapter II.

right, (I do not extend this to the fact,) of coining silver in England, without the royal stamp and superintendence, a remarkable proof of the restraint in which the feudal aristocracy was always held in this country." If in fact the nobles and ecclesiastics of England exercised the privilege of coining siver, as we know they did, it is difficult to see wherein they were under greater restraint than the same classes elsewhere. But this is not all. Mr. Hallam's flourish goes farther. It implies that the prerogative to coin, which he represents to have been so sadly abused by Philip, was more rightfully or more justly exercised by his contemporaries the English princes.

Such is not the opinion of the earlier English writers. Our Matthew Paris says that the coins of his own time were adulterated and falsified beyond measure. Holinshed II., 318, says that notwithstanding the baseness of the father's coins, the son, Edward II., proclaimed them to be good and current money. Stowe, (326,) says that Edward II., ordered that his father's base coins should not be refused on pain of life and limb; and Carte prefers a similar accusation.[4] Indeed the text of the proclamation (4 Edward II.,) which contains this mandate, is extant to justify the medieval chroniclers. Lowndes (eighteenth century) says that the greatest deceits and corruptions known to history were committed in the coinages of Edward I., and Lord Liverpool, who wrote during the present century, reluctantly confesses in a letter to the king the adulterations of money which were inaugurated by the Plantagenets.[5]

We shall presently offer even better testimony than the opinions of historians, namely, the evidence of the coins themselves. It will then be seen not only that England fully kept pace with France in the wildest excesses of a now unrestrained right to coin, but also that these excesses, in which Mr. Hallam only perceives fraud and robbery, really constitute our most valuable proofs of England's approach toward national autonomy. They are the unsteady steps of tutelage which preceded the firm march of an actual and independent sovereignty.

The year 1307 (1 Edward II.,) is the most probable date when the value of the pollards and crockards was lowered one-half. In effect, it was decreed that that which was yesterday a penny, to-day shall be but a half-penny and that which yesterday constituted a pound shall be to-day but ten shillings.[6] In the same year was also enacted an explicit interdict against the exportation of either coined money or bullion from England.[7] A similar interdict was made in 1326.[8] It

[4] "History of England," II, 308. [5] "Letter to the King," chapter IX. [6] Madox, I, 294.
[7] Eggleston, Antiq., p. 196. [8] Ruding, II, 136.

does not appear to have occurred to the crown that the Jews, banished to the continent, had it largely within their power to prevent the shipment of foreign moneys to England, by paying for English merchandise with bills of exchange drawn against foreign merchandise shipped to England. In this way they could and doubtless did, intercept and prevent the shipment to that country of some of the coins or bullion which would otherwise have been remitted to it to pay for its exports. Many people, even at the present day, similarly fail to comprehend the operation of exchange. Their view is that unless every nation makes its money of the same material as other nations, it will place itself in the position of being unable to pay its foreign debts. A lesson from practical bill-drawers would greatly tend to alleviate such an apprehension.

In 1310 the Commons petitioned and represented to the king that the coins were depreciated (meaning probably not in value, but in contents of silver) more than one-half.[9] Nevertheless the king made proclamation the same year that the coins should be current at the value they bore under Edward I., and that no one should enhance the price of his goods on that account. This is the edict of which Holinshed, Stowe, and Carte complain. Mr. Jewett[10] says that the petition of the Commons set forth that the coins, probably meaning the old sterlings, were clipt down to one-half. This was very likely, because unless the silver coins were cut down so as not to contain any more silver than the base coins of like denomination, they would have disappeared altogether. But this time it could not have been the Jews who committed the offence, for there were no Jews now in England. Nor should the Caursini, Peruchi, Scali, Fiscobaldi, Ballardi, Reisardi, or other Roman clans or families who filled their places in the English marts and exchanges, be suspected; for these were all good Christians and therefore presumably loyal subjects. Clippers and counterfeiters had been condemned to excommunication by the Council of the Lateran in 1123 and were subject, by a statute attributed to Edward I., to the penalty for treason.[11] Earth denounced such sacrilegious criminals, and heaven forbade them to approach its holy precincts. We are therefore at a loss to look for the transgressor, unless indeed he was to be found in the royal sanctuary itself. It may have been with the object to more effectually keep his base money afloat that the king by proclamation in 1310 forbade, under heavy penalties, the importation of false moneys. If these false moneys were close imitations of

[9] Rolls of Par. 1, App. p, 444, and clause 4 Edward II., m. in 12 dors. Ruding, II, 133.
[10] Antiquities, 146.
[11] Ruding, II, 214, 226.

the king's base coins and contained the same proportion of fine silver, the practice of importing them infers that prices had not risen to the level of the debasement.

In 1311 the Lords Ordainers enacted that no changes should be made in the value of the coins without consent of the barons in parliament assembled. This startling declaration amounted to a claim on the part of the nobles for a share in those regalian rights which the king was daily acquiring from the falling power of Rome; but it was successfully resisted by Edward, who in 1321, repeated the ordinance at York. There are no records relating to its operation in the interval. According to the roll of 9 Edward II., the king commanded Richard Hywysh, sheriff of Cornwall, by writ, to pay on his account £372:14:4 to Antony di Pessaigne, of Janua, out of the profits of the tin coinage (coignagio stagminis).[12] Indeed tin money and gold money appear to have been struck by the western princes at the same time and owing to the same parent event, the fall of the Basileus. There being then a great deal of false money in circulation, a writ was issued in 1318 to the barons of the exchequer, commanding them to order the sheriffs of England to make proclamation that "no man should import into the realm clipped money or foreign counterfeit money under great penalties and that such persons as had any clipped money in their hands should bore it through in the middle and bring it to the king's cambium to be recoined."[13] This proclamation must have had some other than its professed object, for in the same year Edward complained to Philip le Bel of France that "Merchants were not permitted to bring any kind of money out of France into England, for that it was taken from them by searchers." When it is remembered that the coins of Philip le Bel were greatly debased and overvalued, it appears more likely that the clipped and "foreign" counterfeit coins, mentioned in the proclamation, were fabricated in England. This view finds further corroboration in the fact that in 1318 "an assay was made of the money minted in the exchanges of London and Canterbury... to wit, of £40,730 minted in the said exchanges within the said time" (about two years) and "upon this assay, it was found that the said money was too weak and of a greater alloy than it ought to have been by £258:5:10."[14]

The classification of bullion into domestic and foreign, first occurs in the reign of Edward II., and was continued in that of Edward III., after which no traces of it appear in the mint records. Nature does not admit of such classification, because all bullion of the like metal

[12] Madox, I, 386. [13] Madox, I, 294. Statutes at Large, vol. I. [14] Madox, I, 291.

and when refined, is alike. Domestic metal cannot be distinguished from foreign. It was clearly impracticable to prevent foreign bullion from being imported, indeed the complaint of the times was that foreign clipped and counterfeit coins were imported; and if practically coins could be imported, so also could bullion. Nor was it the policy of the crown to prevent the importation of bullion; on the contrary, it did everything in its power to promote such importation. It is therefore difficult to see what object was aimed at by classifying silver into cismarinum and transmarinum, [15] except a further assertion of that newly-acquired imperial prerogative of entire control over the coinage and the materials of coinage, which the king had in his mind, and seemed determined to proclaim to all the world. Whatever his plans, they were defeated by the rebellion of his wife Isabella and the nobles whom he had previously curbed and restrained. These, fleeing to France with the infant son of the king, there organized an expedition, which landed in England during the autumn of 1326, defeated and captured the king threw him into a dungeon, and there dispatched him.

Edward III. was crowned January 25th, 1327. To the numerous and sudden alterations of money, which, like an exhibition of fireworks, celebrate the emancipation of the western princes from the thraldom of Cæsar's Empire, but introduced the greatest confusion into nummulary denominations and relations, England contributed an additional element of confusion. At all events it was far less common in other countries. This was the marked difference between the contents of a coin as provided by law or mint indenture and its actual contents as found by weight and assay of perfect specimens still extant. For example, the mint indenture of 1345 provided that the pound Tower of silver 0.925 fine, should be coined into 22½ pennies. This would make the gross weight of each penny 24 grains and the contents of fine silver 22.2 grains; whereas, the actual coins, in good condition, weigh but 20 grains and contain but 18½ grains of fine silver. Similar differences are to be found in other coins of the period.

In choosing between the conflicting evidences of the statutes, the mint indentures, and the actual coins, the author has observed the following order of preference: first, the actual coins; second, the mint-indentures; third, the acts of parliament, which in many instances were only intended for show or deception, and in such case were practically dead letter. Even in the actual coins there is room for error; because they vary considerably. Mr. Keary's weighings are those of the heaviest; and because this practice is regarded as misleading, we

[15] Ruding.

have not always been guided by that author. Among the earliest statutes of the new reign were those of 1327 against the importing of light and counterfeit coins, and of 1331, against the exportation of either coins or bullion. The penalty for the latter was at first made death, and the forfeiture of all the offender's profit; but two years afterwards it was lessened by proclamation to mere forfeiture of the money so attempted to be exported, and in 1335 the act was extended to "religious men," as well as others. The conviction which must enforce itself upon all persons in authority, that such ordinances can never be practically executed, the actual failure of similar ordinances in the preceding reign, and the language and tone of the present ones, all combine to produce the impression that the latter were intended as a cover, to account for the melting down of the "old sterlings" in the king's mints, and to furnish an apology for that emission of Black Money which soon afterwards made its appearance and was probably fabricated at the king's behest. That he was not above the art of issuing insincere edicts is strikingly proved by his proclamation of 1341, wherein he avows that in his previous Interdict of Usury he "dissembled in the premises," and "suffered that pretended statute to be sealed," which he now revokes and declares void.[16]

Dr. Ruding naively enquires if the Turonensis nigri, mentioned in the statute of 1335, as being "commonly current in our (the king's) realm," meant copper coins struck at Tours. We think not. There are no proofs that copper coins of Tours circulated in England at this period, but many proofs that English black money did; for in the same statute it was provided that all manner of black money actually in circulation should cease to be current in one month's time after it is decried.[17] Yet, but a short time afterwards, the king's council in parliament at York, authorized new black money to be made, containing one-sixth part of alloy.[18] In 1338 various proclamations were made which denote that black money was still in circulation; and in 1339 one was made which authorized the circulation of black "turneys" (tournois) in Ireland.[19] Black money was not peculiar to Edward III., but had been used by both his father and his grandfather. Edward I., in 1293, agreed to pay to the emperor Adolphus 300,000 "black livres tour-

[16] Statutes at Large; Ruding, II, 251.

[17] "All manner of Black Money which hath been commonly current of late in our realm" shall cease to be current within a month after it is decried. Statutes at Large, 9 Edward III., 1335.

[18] A great part of this statute is not printed in the modern editions of the Statutes at Large. Consult 9 Edward III., in Statutes, folio ed., 1577, black letter.

[19] Cl. 13 Edward III., pt. 2, 35 dors. Rymer, "Fœdera," V, 113.

nois," and in 1297, to certain nobles of Burgundy, 30,000 "small black livres tournois."[20] To the earl of Guelders Edward promised to pay 100,000 "black livres tournois,"[21] and it is not likely that at this period he would have stipulated, or the others accepted his stipulations, to pay so large a sum, in a coin which he did not himself fabricate.

In the royal ordinance authorizing the establishment of a mint at Calais, after the capture of that city in 1347, the king, Edward III., commanded White Money to be made there similar to that which was struck in England.[22] In 1354 the moneyers of Aquitain were allowed 3*d.* in the mark, for all money coined by them, for the king, whether "white or black," except gold.[23] We repeat that these black moneys, which the historians usually evince much anxiety to keep out of view, are really the proofs of England's dawning independence; for while she remained a fief of Rome and while the mints of the Basileus supplied her with besants, nobody was obliged to use silver, and the fabrication of black money would have brought the king no profit; and therefore none was coined. The coinage of black money and the abrogation of the Sacred besant, mean the same thing: the refusal and rejection of any further allegiance to the Empire.

In 1341 a great mass of sterling coins and silver-plate was collected in London by private parties, for exportation. In 1342 a similar event occurred at Boston.[24] It is difficult to see the motive for these attempts to export silver, unless the circulation consisted of royal money, over-valued, and unless there was no further use for sterlings and silver bullion in the hands of private owners. In 1342 the king's rents in Guernsey, Jersey, Sark, and Alderney, were exacted in sterlings, while his payments were made in light coins, worth but ten shillings in the "pound."[25] This may have been clipped coins or black money, of which each penny piece had but a half-penny's worth of silver in it, and therefore the nominal "pound," but ten shillings' worth.

In 1343 the council in parliament advised the king to issue what would now be termed a Convention, or international gold coin, to be current, with permission of the Flemings, both in Flanders and England; that no silver should be carried out of the realm except by noblemen; and that these should be limited to the carrying out of silver-plate for use in their establishments. The first part of this proposal introduces one of the most important subjects connected with the regalian

[20] Anderson's "History of Commerce," I, 250; "Fœdera," 778.
[21] Anderson, I, 251; Rymer's "Fœdera," V, 675.
[22] Rot. France, 22 Edward III., m. 19; Ruding, II, 182*n*.
[23] Rot. Vasc., 28 Edward III., m. 1; Ruding, II, 195.
[24] Ruding, II, 150-2. [25] Ruding, II, 152.

rights of the English crown. Down to the year 1204, or, practically, to 1257, the gold coins lawfully circulating in England had been supplied exclusively by the Basileus, and consisted, as before stated, of the besant and its fractions. When in that year Henry resolved to invade the prerogative of the Sacred empire, he struck, not a solidus, nor a fraction of a solidus, but a Moorish maravedi, a piece which commerce with the Spanish-Arabians had rendered familiar to Englishmen under the various names of maravedi, new talent, obolus de Murcia, gold penny, etc. The maravedi of that period contained 40 to 43 grains of fine gold. It circulated in England, not like the besant, by force of law and immemorial usage, but merely because it was a justly minted and well-known coin of regular weight and fineness and preferable to the adulterated and clipped coins which had made their appearance when the besants began to disappear in the reign of John. The maravedi had filled the circulation in continually increasing proportions. Its low valuation in silver, 10 for 1, proves that it had no standing in the law. As the common circulation of the maravedi in England may seem incredible to a certain class of numismatists, it has been deemed useful to bring together some of the texts in which it is mentioned. It will be seen at a glance that its æra agrees substantially with that of the Plantagenet dynasty.

Table showing the texts which mention the Maravedi, or Obolus de Murcia, as circulating in England.

Year.	Reign.	Remarks.
1176	23 Henry II.	Madox, II, 367, valued at 20 sterlings.
1193	5 Richard I.	Madox, I, 278, valued at 10 for 1.
1215	17 John.	Madox, I, 261, valued at 21 sterlings.
1250	35 Henry III.	Madox, in the case of Philip Lurel.
1252	37 Henry III.	Ruding, I, 316, valued at 16 sterlings.[26]
1257	41 Henry III.	Weight 41½ grains fine, coined by the king, valued at 20 sterlings.
1269	53 Henry III.	Same coin, valued at 24 sterlings.
1283	12 Edward I.	Madox.
1293	22 Edward I.	Madox.
1347	21 Edward III.	Mixt Moneys Case. Davis' Reports.

[26] From Henshaw's translation of Domesday Book, vol. I, fol. 1. The pence were light ones.

The Maravedi was first coined in Spain during the dynasty of the Almoravedes, hence its name. One of these coins, struck in Murcia A. H. 548, (A. D. 1153,) during the interregnum between the Almoravede and Almohade dynasties, is called by Queipo a "Mourdanish," which we are inclined to believe is a misnomer. One of these pieces, in a very good state of preservation, is now in the cabinet of Gayanos, and weighs 44⅛ English grains. It tallies in weight with the siliqua weight or the 120th part of the Egypto-Roman pound of 5243¾ English grains, with the gold maravedi, with the silver dirhem, and with

two sterling pennies.[27] The true Mourdanish should rather be found in the half-mithcal, a specimen of which, struck during the first years of the Almohade dynasty, is now in the cabinet of Cerda. This coin is also published by Queipo, who accords it its true name, the "mourdanish of Murcia," and gives its weight at 34¾ grains, the state of conservation being very good. The use of the gold mithcal of Spain can be traced back to the eighth century, when Hakem I., settled upon his brother, Suleiman, a life annnity of 70,000 "mithcales, or pesantes," as an equivalent for his estates in Spain.[28] In the tenth century the mithcal was called by the Christians the "dobla," probably in reference to its being the double of the more popular and better known half-mithcal, or "mourdanish."[29] Abd-el-Raman III., 912-61, settled a life annuity of 100,000 "doblas of gold" upon Ahmed-ben-Saia, for his capture and plunder of Tunis.[30] The annual revenvues of Al Hakem II., besides the taxes in kind, were "twelve million mithcals of gold."[31] The piece we are considering is therefore not the half-mithcal, but the maravedi; and its period is not that of the early, but of the later caliphs of Spain, the contemporaries of the Plantagenets.

The weight of Henry's gold coins was 43 grains 0.965 fine, equal to about 41½ grains fine. They were probably intended to weigh exactly the same as one gold maravedi, or two silver sterlings. These coins he called "oboli" and ordered them to pass for twenty silver sterlings (or half-dirhems), a ratio apparently of 10 for 1, but really of 9 for 1, because his sterlings weighed less than 20 grains and were only 0.925 fine. It is alleged that these gold coins were objected to on commercial grounds, by the merchants of London. This is hardly credible, because the coins were really undervalued. They could be bought with 9 weights of pure silver, whereas they were worth twelve, which was the universal ratio of the times, in all Christian states. This conclusion is strengthened by the circumstance that these same "oboli" after being temporarily demonetized, were raised by Henry's command, in 1269, to 24 pence, a ratio of 12, and that at this ratio they actually passed current without objection. As to their mechanical execution, the author is able, from personal examination, to declare that they were far superior to any other coins, English or French, of

[27] The siliqua weight must not be confused with the siliqua coin, which weighed scarcely more than a third as much. [28] Calcott, I, 139.

[29] The contents of the dobla de la vanda in "Money and Civilization," p. 93, deduced from the assumption that the castellano coin was as heavy as the castellano weight, are given erroneously. The "dobla" of the period mentioned in the text was in fact a heavy dinar. At a later period it was the double maravedi; hence its name.

[30] Calcott, I, 223. [31] Calcott, I, 249.

that day. The only valid reason that can be assigned for the objection made to them was the superstitious repugnance to accept gold coins not stamped with the authority of the Sacred empire. This repugnance may have been enhanced by the fear that the coins would not be currently accepted in England, or if in England, not in other Christian states.

Bearing in mind the example and failure of Henry III., Edward did not venture to strike coins of gold until he had acquired that full degree of sovereignty which the Basileus had involuntarily bequeathed to the western princes. In November, 1337, Edward was appointed and he accepted the appointment of Vicar-General to the German emperor, with power to coin money of gold and silver. Though this formality now seemed needless, yet that it was entered into with the view to prepare the way for the coinage of gold, is evident from several circumstances. In 1340 the king's council in parliament enacted that all shippers of wool should undertake to bring in for each bag two marks worth of gold or silver.[32] Again in 1342, the king ordered, still more pointedly, that all corn exported to foreign countries should be sold for gold coins or bullion. Another preparation, a futile one to be sure, consisted in employing Raymond Lully, or some other alchemist, for whom a laboratory was fitted up in the Tower, which should enable that impostor to transmute gold from baser metals. Was it an excess of caution, lest the great step he meditated might miscarry at the last moment, that the king found a means to prompt the advice of his council in parliament that he should coin gold? At all events such seems to be the meaning of the insinuation that the Flemings sold their goods only for Flemish gold florins, which were so highly overvalued in English silver coins, as to render payment in the latter unprofitable to English merchants. In other words, said the king, by paying gold florins with silver coins, our merchants continually lose; let us therefore enable them to pay in gold ones.

Such appears to have been the genesis of the famous ordinance of 1343. Upon the king's information, the king's council advised the king, (provided the Flemings were willing,) to issue an international gold coin; and it was provided in such event that such coins should be unlimited legal-tenders between merchant and merchant, "as money not to be refused;" that all other persons, great or small, might accept them if they pleased; but not otherwise; that all other (foreign) gold coins should be melted down; and that no silver should be carried out of the realm except by noblemen, and then, only silver-plate

[32] Ruding, 149.

for use in their establishments. This advice was carried into effect in 1344 by the coinage of a gold double-florin, weighing 50 to the pound Tower, of 23½ carats, 0.979 fine, the "old standard" for gold.[33] Thus each piece would contain 105¾ grains, fine. It was ordered to be current at six shillings (each of 12 sterlings). Two or three specimens of this piece are extant, both found in the river Tyne. The best one weighs 107 grains, gross. There were also florins and half-florins of the same issue, now extremely rare. At first and differing from the advice of the council in parliament, the double-florins were made full legal-tenders in "all manner of payments," afterwards optional legal-tenders; and finally, they were demonetized, all within the same year. They were the first English coins of any kind upon which were stamped the words, dei gratia.[34] Down to that time the kings of England coined by the grace of Cæsar, or, as in John's case, the Pope, his successor. Edward III. first coined by the grace of God.

Previous to 1344 the sterlings of Edward III.,[35] contained 20¾ grains, 0.925 fine, equal to 19¼ grains fine silver. Hence the ratio between the double-florin and the sterling or silver penny was about 12.6 for 1; too high for gold and too low for silver. As the Flemings were evidently unwilling to accept gold at this valuation and the double-florins found no welcome with the merchants, the king, bent upon the successful issuance of this significant proclamation and token of national independence, ordered a new gold coin to be struck; whereupon he decried the first one. The second issue, which was made in the same year as the first, was of nobles, weighing 39½ to the pound Tower, same fineness as the double-florins, hence containing 133.8 grains, fine, and valued at six shillings and eight-pence; a ratio of 11.06 for 1. These were made legal-tender for all sums of twenty shillings and upwards, but not for any sum below. The obverse of this coin represents the king standing in a ship in mid-channel, obviously in allusion to its international character. Some of the numismatists, however, make it typify the strength of the English navy in 1359, fifteen years after date; others, a victory over corsairs, in 1347, three years after; and others, a naval victory over the French in 1340, four years before. Mr. Keary gives the weight of an extant noble of this issue at 138½ grains, standard. This is evidently exceptionally heavy.

[33] As this was the first issue of gold coins by any Christian king in England, or any king of all England, except the abortive maravedis of Henry III., the expression "old standard" in the mint indenture could only refer to the Byzantine or the Arabian standard. The former was about 0.900, the latter was 0.979 fine (23½ carats). Therefore "old standard" in reference to gold meant the Arabian or sterling standard.

[34] Ruding, II, 212.

[35] "Old Sterlings." Lowndes.

He also gives the weight of the later issues of 1346 at 128 5-7 grains, standard, and the still later ones of 1351 to 1360, at 120 grains, standard; the legal value being always 6*s.* 8*d.*, or half a mark. The king's seigniorage upon these coins was £1 for each one pound Tower weight of gold, and the charge of the Master of the Mint was 3*s.* 4*d.*, together £1:3:4. As the Tower pound weight was coined into £13:3:4 of account, the merchant received back but £12, or scarcely more than 91 per cent., of the gold deposited at the mint. In the following year the merchant's proportion of the £13:3:4 coined out of his pound weight of gold, was raised from £12 to £12:13:4; thus leaving to the crown and mint only 4 per cent.[86]

When the crown came to deal with the Flemings it found that people less compliant than it had wished. They agreed to accept gold nobles to be coined under the king's authority in Flanders, provided they could agree upon a proper division of the profits from the coinage.[87] To determine this proportion and superintend the issuance of the coins, commissioners were sent to Ghent, Bruges, and Ipre, but the result of the negotiations is not definitively known. Froissart and Grafton both state that Edward struck gold coins at Antwerp in 1337, none of which are extant, and it may be the same with the Anglo-Flemish gold coins proposed in 1344. In a mint-indenture of 1345 the weight of the noble was reduced. The pound Tower of gold, 23½ carats fine, was to be coined into 42 nobles, each valued at 80 sterlings. In 1351 the noble was reduced to 120 grains standard, without alteration of nominal value, which continued as before, at 6*s.* 8*d.*

One thing more. This coin convention with the Flemings is the earliest, or among the earliest, international monetary treaties known in history, since the establishment of the Sacred empire. If the "kingdoms" of France, Spain, Portugal, England, Burgundy, etc., were as independent as the modern historians of those countries would fain pretend, why is it that they have not been able to produce the evidence of any international conventions or treaties between them previous to the Fall of Constantinople, and why is it that such conventions took place immediately after that event and have continued at intervals to take place down to the present day?

This completes our numismatic evidences. The view that has herein been asserted with respect to the constitution of the Roman empire

[86] Ruding, II, 165, 174.

[87] Ruding, II, 194. The Flemish ratio of the time was evidently 10 for 1; therefore, to warrant the acceptance of the gold nobles in Flanders at Edward's valuation, the Flemings must have been obliged to demand the entire abandonment of the seigniorage, to which, of course, the English commissioners would not assent.

and its relations to England, run contrary to the entire stream of history, as depicted in the pages of popular writers; and it had to be supported by a strong array of proofs. Down to the issuance of the gold nobles, the monetary systems of the English monarchy belonged to the Empire, they conserved no local or national principles, they contained no lessons for Englishmen. But from this moment they assume an entirely different phase and bearing, they become imbued with life, they partake of the spirit which had begun to animate the nation to which they belong, they occupy a distinct position in the British Constitution, and they bear upon them the marks of those endless struggles and vicissitudes through which the Anglo-Saxon races have borne the standard of religious and political liberty.

To those to whom the ratio of value between the precious metals appears due to any other circumstance than the arbitrary laws of national mints, or to those whose attention to the history of this recondite subject has now been drawn for the first time, the ratio may seem a strange or inadequate criterion of political or religious domination. But it is precisely in such obscure relations between great and little things, that an Allwise Creator has sheltered the truth of history from man's destructive powers. The forgery of books, the defacement of monuments, the perversion of evidences, the extermination of non-conformists, the invention of fabulous cosmogonies and superstitious fictions, all are made in vain to conceal or crush the Truth, so long as a blade of grass or a breath of air remains on earth to reveal it; for all Nature is united in a mysterious harmony, and to even approximately master one branch of science is to gain a key, which, with patience and industry, may eventually unlock for us all the others.

CHAPTER XX.

VASSAL KINGS OF ENGLAND.

Previous to 1204 the Kings of England were vassals to Byzantium—Afterwards they were vassals to Rome—Examples from the Papal Registers—From Matthew Paris—From other sources.

THE vassalage of the European princes to the Roman Empire has been shown in previous chapters; their vassalage to the See of Rome, after the Fall of Constantinople, will form the especial subject of the present chapter.

In the "Calendar of entries in the Papal Registers relating to Great Britain and Ireland," published in 1893 by Mr. W. H. Bliss, appear numerous mandates from the Papal See to both the Norman and Plantagenet kings of England, the nature of which clearly proves them to have been vassals of Rome. Under the year 1201-2 appears a "Letter from Otho, emperor-elect of the Romans, to the pope, informing him that the king of England (John) is bound to give help to the Emperor against all enemies, and to make peace with France, as he himself is bound by order of the pope, whom he thanks, next to God, for his promotion."

The following passages are all from the English edition of Matthew Paris:

In A. D. 1236, Henry III. declared to an assemblage of his nobles at Winchester, that the pope alone had the authority to grant and annul rights in his kingdom. Vol. 1, p. 34. In 1237, the king "declared that he could not arrange any business of the kingdom, make any alterations or alienations, without the consent of his Lord the pope, or the legate, (Otto,) so that he might be said to be not a king, but a vassal of the pope." p. 68. In the same year, the legate, Otto, "whose footsteps the king worshipped," announced at St. Paul's that he had been sent by the Papal See as legate "to the *province* of England." p. 69.

In 1238, the king of England sent a body of troops, under the command of Henry de Trubleville, to assist the Emperor against his rebellious subjects in the Italian provinces. p. 129. "The Emperor having

continued the siege of Milan, almost all the Christian princes sent him auxiliary troops." p. 133. In 1239, the Emperor (Frederick II.) said: "I have sworn, as the world well knows, to recover the scattered portions of the Empire." p. 163. In 1239, the Emperor, (Frederick II.,) replying to pope Gregory, declared that the taxes demanded by the imperial officers from ecclesiastics were not upon the property of the church, but for feudal and patrimonial dues, "according to the common law, (of Rome,) and this is in force in all parts of the world." p. 185. In 1239, the Emperor declared, in a letter to the western princes, that the pope's conduct was alienating "the nations" from "the Imperial sceptre." p. 191.

In 1239, the pope, writing to the Emperor Otto, declared that the Pontificate had raised the Emperor to "the summit of secular power," and that in such position he was "its vassal." p. 197. In 1239, the Emperor wrote to his brother-in-law, Richard, earl of Cornwall, concerning the pope: "For the humiliation of all other kings and princes becomes an easy matter, when the power of the Cæsars of the Romans is first overthrown," and that the pope had violated his agreement to "apply to Our uses, the tithes of the whole world." p. 212. In 1239, the pope identifies as one "the Empire and the whole Christian community." p. 225. In 1239, the pope sent letters to "all the prelates and nobles dwelling in Germany and other parts of the Empire." p. 239.

In 1239, when Gregory "condemned and cut off the so-called Emperor Frederick from the imperial dignity and elected count Robert, brother of the French king, in his stead," the French king replied that Frederick "could not be deprived of his crown, unless by a decision of a General Council." p. 242. In 1240, king Henry III. admitted, in writing to the Emperor concerning himself, the king, that "he was a tributary or vassal of the pope." p. 257. In the same year Frederick reproached Henry with permitting the pope "to boast that he has the power of a liege Lord over you"; and Henry replied that "he did not dare to oppose the pope." p. 268.

On the first day (Christmas) of the year 1241, the king (Henry) seated the pope's legate in his own royal seat at table, and sat on the legate's right hand. p. 318. In 1241, the Emperor wrote to the king of England and the other princes of the Roman Empire, attributing the Tartar invasion to the dissentions produced by the intrigues of the Pontificate, and entreated them to sustain, "the victorious eagles of the potent European Empire," exhorting Germany, France, Spain, England, Almaine, Dacia, Italy, Burgundy, Apulia, Ireland, Scotland, Norway, the Islands of the Sea, "and every noble and renowned coun-

try lying within the Royal Star of the West," to rally to the defense of the Empire. p. 347. In 1241, Frederick wrote to King Henry that God had "decreed that the Machine of the World is to be governed, not alone by the priesthood, but by sovereignty and priesthood together." p. 355. In 1244, Frederick drove the Tartars out of Hungary, and in turn received the homage of the king of Hungary, who was bound to supply the Empire with "300 knights and their followers, to fight on the borders for the Emperor, loyally and faithfully." p. 490. In 1244, Frederick, writing to Richard, earl of Cornwall, terms his dominions "the Sacred Empire," and himself "our Magnificence," and repeats instructions "to you and the other kings and princes of christendom." p. 494.

In 1244, David, "prince of Wales, a petty vassal of the king of England . . . wishing to free his neck from the yoke of allegiance to the king, fled to the papal wings for protection, promising to hold that part of Wales which belonged to him, from the pope himself. The pope, in consequence, favored his cause," and accepted his presents and tribute. p. 511. In 1245, the pope ordered the abbots of Aberconway and Kemere to enquire into the matter, and, if deemed expedient, to release the prince of Wales from his oath of fidelity to the king of England. These instructions having been shown to Henry, he renewed the war against David. "When the pope heard of this, he winked at and concealed it all, but did not, however, restore to David the presents he had received from him." Vol. II, 39.

In 1245, the pope declared: "We have determined to convoke the kings of the earth, the prelates of the churches, and other magnates of the world in general," to a council. p. 49. In 1245, at the Council of Lyons, which was attended by delegates from the king of England, the pope, (Innocent,) excommunicated the Emperor Frederick, because, among other offenses, "he has omitted for nine years and more to pay the annual pension of a thousand sequins, in which he is bound to the Roman church, for the tenure of the said kingdom." pp. 85, 148. In 1245, the pope attempted to bribe the electors with "15,000 pounds of silver," to elect a new Emperor; but the scheme was defeated by Frederick. p. 95. Said Frederick, of the pope, in 1245, in a circular letter to the kings of the West, "Does his vulgar pride toss him to such heights as to enable him to hurl from the Imperial dignity, Me, the chief Prince of the World, than whom none is greater, yea, who am without an equal?" p. 103.

There has been adduced no evidence that any of the kings thus addressed denied the claim of suzerainty made by the Emperor.

In 1245, the Emperor wrote to the king of England and the other Western princes: "What will there not remain for each of you kings of each kingdom to fear, from the face of such a prince of priests, (the pope,) if he attempts to depose Us, who have been honoured, as it were, from Heaven, with the Imperial diadem, by the solemn election of princes, and with the approbation of the whole church?" p. 105. Also: "We will give you further information more secretly how we propose to arrange concerning the affairs of kings in general and of each one in particular." p. 106. In 1245, "the pope, with a patient mind and the eyes of connivance, dissemblingly passed by all these things," and instructed all the bishops of England to affix their seals of attestation to the charter by which, half a century previously, king John had acknowledged his kingdom a fief of the Pontificate and had agreed to pay it tribute. p. 110.

In 1245, the bishop of Beyrout came to England, with authority from the pope to preach a crusade and collect money, on being shown which authority, the king replied that "we have been so often deceived by the Roman court," that "you will scarcely find anyone who will put faith in you." p. 117. In 1246, it was rumoured that upon the hearing of this, the pope declared that when he had subdued the Emperor Frederick, "he would afterwards tread down the insolent pride of the English." p. 129. In 1246, at a Parliament held in London, the king read to the earls, barons, abbots, and priors, then present, an address[1] in which the grievances, tyrannies, oppressions, and extortions, of the pope, were set forth at length, and upon this it was unanimously resolved that the spiritual lords should petition his Holiness to abate his "insupportable yoke." p. 148. A similar petition was addressed to the pope by the temporal lords, claiming to represent themselves and the inferior clergy and "people in general." p. 150. And a similar petition by the king. p. 155. And still another petition setting forth that the knights' service and military service, horses, and arms, demanded for the service of the Roman See, was an unendurable burden. p. 156. All these complaints were treated by the pope with contempt. p. 175.

In 1246, Frederick complained to the nobles of England that the pope had unwarrantably put him under the ban of the law, "who is, by his Imperial rank, freed from all law, in whom temporal punishments ought to be inflicted, not by man, but by God, as he has no superior amongst men." p. 161. He continues: "It commences indeed

[1] This address, given at length by Matthew Paris, constitutes a veritable Declaration of Independence; and is a much more interesting document than Magna Charta.

with Us, but rest assured it will continue with other kings and princes, if Our sovereignty can be trodden under foot in the first place." p. 162. In 1246, the count of Savoy paid homage to the king of England, "without violating his faith, or injuring the Emperor or the Empire." p. 167. In the same year, the Holy See, having ordered that "if any clerk should die intestate, his property should be converted to the use of the pope," the king "forbade the decree being fulfilled; the first instance of insubordination on his part." p. 169. The king also forbade the payment of talliages to the pope, until the reply of the latter was received. p. 170. Notwithstanding this, the pope "made a most urgent demand for money, placing his confidence in gold and silver, treating with contempt the mournful complaints of the king of England and the whole community." p. 170. Frederick declared that "the Roman Church had never such effectual grounds for extorting money from the Christians, on which it had fattened and grown proud, as on the pretense of the Holy Land and the sophistical preaching of crusades for its liberation." p. 174. In spite of all this, king Henry succumbed to the authority of the pope; "hence all the endeavours of the nobles, as well as of the bishops, were of no avail, and all hope of *the freedom of the kingdom*, and of the English church, died away." p. 176.

The pope ordered that the gains of usurers and of all persons dying intestate, "which had been acquired by usury," or by malpractices, or which was "rightly due to others," and the property of all persons living "which had been evilly acquired," should be collected "for the benefit of the Empire of Constantinople," which was now under the control of the Holy See. p. 179. Matthew Paris accuses Richard, earl of Cornwall, of serving the pope, "to the ruin of the English kingdom and the detriment of the Empire." p. 189. "The notaries and accountants of the Roman court yield like wax to bribery and hire." p. 207. In 1247, "some adhered to Frederick as if to the Empire, and others to the pope, as if to the church." p. 235.

In 1248, the pope, in a conference with the French king at Lyons, alluded to "the king of England, our vassal." p. 268. In 1249, Henry, king of England, "was forbidden by Master Albert, in the name of the pope, to attack in any way, whatever, any territory held under any title by the king of France." pp. 290, 527. It was believed that "the pope eagerly desired, above all things, to overthrow Frederick, in order that he might more easily trample down the French and English kings and other kings of christendom, all of whom he called petty princes and little serpents." p. 328. In 1250, the king of England having complained to the pope that the bishops of England had assumed

command of his sheriffs and bailiffs, pope Innocent IV. ordered the bishops to refrain from such meddling. p. 337.

It is submitted that these passages afford ample proof of the assertion that down to the reign of Henry III., the king of England was not a sovereign, but was a vassal, either of the pope or the Emperor.

Nothing is easier than to write history upon familiar or accepted lines: nothing is easier than to float with the tide. Every bit of idle flotsam impels the voyager on his way and guards him from hostile approach. On the contrary, nothing is more difficult than to write history upon unfamiliar or objectionable lines. The friendly flotsam are now turned to snags and rocks which, one by one, have to be pushed aside or destroyed, if the adventurer is to survive and carry his reader safely into port. Every step upon such a course is a struggle; every line a field of dispute; every misplaced word or turned letter, a fresh proof of the writer's ignorance or incapacity.

In bringing forward the unpalateable proofs of England's subordinancy to the Roman Empire, something more is implied than the political status of an ancient kingdom, concerning which, only the jurist and historical student might possess a practical interest. Among other things, it throws some doubt upon the validity of certain Titles of Honour, which their present wearers pretend to have derived from kings whom it is herein shown had no authority to grant them. Notwithstanding the resentment which this may occasion, the truth must be told, and the truth appears to be that, down to the reign of the Plantagenet Kings, England was not an independent sovereign kingdom.

CHAPTER XXI.

BIRTH OF THE INDEPENDENT MONARCHY.

Impetus afforded to the development of national independence by the Great Interregnum—Assertions of English national authority—Suppression of Roman tribunals—Discouragement of Roman benefices—Statute of premunire—Establishment of English national law—Of the House of Commons—Of the English language in the courts—Royal assumption of the right to charter trade-guilds—Assumption of national control over the precious metals and money—Assumption of Mines-Royal—Assumption of treasure-trove—Royal coinage of gold—Interdict of the besant—Trial of the Pix—Royal monetary commission—Suppression of episcopal and baronial mints—Export of precious metals prohibited—First complete national sovereignty of money—Prohibition of tribute to Rome—Conclusion.

GREAT events do not occur alone. They appear neither unheralded nor unsung. Minor facts presage them; others proclaim their existence; still others crowd about them to exalt their greatness; and a long heritage remains to chronicle them and attest them. The independence of England was not an isolated event. It was preceded, accompanied and followed by numerous others, some of which foretold its coming, while others commemorated its occurrence. Among the former class was the coinage of gold by Henry III. This act proclaimed an assumption of sovereign power which Henry's weak and faithless character was not fitted to support, either by moral courage or force of arms. It bears the same relation to England's Declaration of Independence as the coinage of Pine-Tree shillings did to that of America. It was the trumpet sound of a coming event; not the event itself. The latter was marked by the magnificent gold coinage of 1344, upon which Edward is pourtrayed with a drawn sword and standing on the deck of a man-of-man, asserting his readiness to defend the new born liberties of his country, if necessary, against the world.

The interval between the coinages of Henry and Edward was filled with significant events. Prominent among these was that Great Interregnum [1] which marked the fall of the Medieval German empire

[1] The name given to the interval between the death of Frederick II., and the acceptance of the so-called imperial crown by Rudolph of Hapsburg, in 1273.

and the dissolution of that partnership of Cunning and Ambition which had joined the intrigues of Leo III. to the dripping swords of Pepin and Charlemagne. Frederick II. died in 1250, and as Mr. Bryce pithily remarks, "with Frederick, fell the empire." The brief and eventless reign of Conrad IV., and the assassination of Conradin by the connivance and with the approval of Pope Clement, ended the Suabian line of "emperors," but furnished no basis for a new dynasty. In vain did the See of Rome urge Richard of Cornwall, Alfonso of Castile, and others, to fill its now puppet-throne of empire. In vain did it urge upon the western princes the necessity of choosing an "imperial" sovereign. It met with nothing but respectful apathy. Edward was not the only prince who during or shortly after the Interregnum drew an independent national sword. The Church had extinguished both the Basileus and the "Emperor"; there was no longer any empire, neither Sacred, nor Holy, neither eastern, nor western. The edifice which Cæsar had erected had often given way and had been as often propped up, patched and repaired. This time it went to pieces, and many of these pieces disappeared in the void of the Interregnum. The pope remained master of the field, but the field was now a desert, in which he stood alone, abandoned by all the world. The princes of Europe, the proconsuls, dukes and kings of the Roman provincial states, were free. Nay more, the people also were free and the Commons were born again. Yet though long since condemned by the universal voice of Europe, though dismembered and past all hope of resuscitation, there was still enough vitality in the empire to make at least a show of authority. The pope of Rome had been its unwitting executioner, he was now its legatee, and as such he possessed sufficient resources to make a final struggle to revive it. This struggle did not come to a close until the reigns of Philip le Bel and Edward III. Boniface VIII. had written to Philip claiming him as "a subject both in spirituals and temporals." To this, Philip had replied, "We give your Foolship to know that in temporals we are subject to no man."[2] And with this contemptuous retort was blown out the last spark of Cæsar's Empire.

From this period commenced a New Æra in the development of European liberty. Previously the movement against tyranny was directed both against the "emperor" and the pope and therefore was divided and weakened. It had now only to contend against the pope; and the result was that it won many important victories. In the long series of oppressions and indignities which Britain had submitted to

[2] Brady, II, 84.

from Rome, not the least one appears to have been the statute Articuli cleri, made in 1316, which provided among other things that even where clerks, accused of theft, robbery or murder, made confession of their guilt before temporal judges, they should not be tried or condemned by such judges, but only by judges appointed by the Church.[3] The enactment of this statute revived the original causes of difference between the spiritual and temporal powers, whose joint authority was practically effective only when wielded by a single person; a principle which had been often illustrated under the Sacred Constitution, as modified by Diocletian, Constantine, and Theodosius.

Another indignity, which, though of great antiquity, was now first so keenly felt in England as to excite general resentment, was the appointment of foreigners, chiefly Italians, to vacant benefices, and the diversion of their revenues to the uses of the papacy. Such resentment was strongly voiced in the remonstrance of Edward III., about 1343, in which, among other matters, he represented, "That by these provisions and reservations (namely, the practice of the Sacred College to fill vacant benefices, etc.,) the encouragements of religion were bestowed upon unqualified and mercenary foreigners, who neither resided in the country nor understood its language, by which means the ends of the priesthood were not answered, his (Edward's) own subjects were discouraged from prosecuting their studies, the treasures of the kingdom were carried off by strangers, the jurisdiction of its courts was baffled by constant appeals to a foreign authority, and both the crown and private persons were deprived of their most Unquestionable Rights. These mischiefs are now become intolerable, and our own subjects in parliament have earnestly requested us to put a stop to them by some speedy and effectual remedy."[4]

The ecclesiastical statute, Articuli cleri, was checkmated by the royal statute of Premunire, which made it a misdemeanour punishable with forfeiture and imprisonment, to appeal from the decisions of the King's courts to those of the pope; whilst the Roman gift of benefices was met by the English statute of Provisions (1351) which made it punishable in the same manner to procure any such favours from the pontificate. It was not for nothing that Edward represented himself as standing upon a ship with a drawn sword. It meant that England was no longer a province, and that the only enemies she could now have, dwelt beyond the sea. In 1398 the wily pope, seizing a favourable opportunity, sought to induce the king of England to repeal these

[3] Coke's Institutes, part 2, p. 601, etc.; Henry, "Hist. Brit.," IV, ii, 49.

[4] T. Walsingham, p. 161; Henry, "Hist. Brit.," IV, ii, 55.

statutes; but although the papal legate was received with respect and loaded with gifts, the statutes remained in force.[8]

The origin of the Common Law of England is usually assigned to the thirteenth century, with the reservation that "traces of it are to be found at earlier dates." Such indefiniteness bespeaks uncertainty. What is the common law of England, and has this expression always meant what it does now? We are told that the common law is the lex non scripta; but it can be asserted with confidence that at no time after the acceptance of christianity and the restoration of Roman government did the lex non scripta form any material part of the general law. Were the laws of Ethelbert leges non scriptæ? Thanks to Lambard and Wilkins, we have them yet. The English reader will find find them in Dr. Henry's laboured collection. Were the Roman laws of Alfred, the Norse laws of Offa, the Danish laws of Canute, the ghostly Code of Edward Confessor, or the Institutes of Bracton, leges non scriptæ? Next we are told it was the feudal or manorial laws; but this is denied by both Coke, Selden, and others, who contend that the feudal laws existed in England during the heptarchical period, and therefore before there was any general law of England, whether common or otherwise, an opinion concerning whose soundness it is hoped that the readers of this volume are now in a position to judge for themselves. Finally, we are told that it was the dicta of the bench; but there was no bench, in the sense implied; there were no national tribunals; there was no nation. During the heptarchy there were never less than three, sometimes seven or eight, different provincial codes of law enforced in England. The well-known diversity of moneys, weights, and measures, corroborates this opinion at once. Beneath these codes of law was a multitude of feudal customs, practically of local or manorial jurisdiction, and above them all, the law of Rome. The bench was the earl's audience chamber, the thane's dining hall, the cell of some dark intriguant, who dwelt in Canterbury, Winchester, St. Albans, or Rome. Alfred attempted to bring the heptarchical codes into one, and his compilation, modified in turn both by Edgar and Edward Confessor, was extant, in a written form, so late as the reign of Edward IV., when its vassalian admissions to Rome compelled it to be destroyed. It never was the law of England; it was the West Saxon, in other words, the papal or ecclesiastical view of what the law of England should be when the Norse chieftains were thoroughly subdued and the rebellious Norse seed was exterminated.

The term common law was invented by the jurisconsults to mean

[8] Henry, "Hist. Brit.," IV, ii, 79.

something that, in the then state of public opinion, they dared not explain. At the present time the law is the law, common or uncommon, written or not written. There is but one authority and but one law. When there was more than one law, there was another authority besides the crown, and that authority was the Empire. Previous to Magna Charta the law of England was the Corpus Juris Civilis, as modified in the conflicts waged against it by the Anglo-Saxons and Normans, whenever they clearly perceived its hierarchical bearing. Such modifications especially distinguish the Mercian and Danish laws. Illustrations of this antagonism will also be found in the changes to which Magna Charta itself was subjected during its various enactments and re-enactments; in the constitutions of Clarendon, 1164; and in the statutes of Mortmain, of Uses, etc. The basis of this antagonism was the mysterious common law. This law will be found neither in the Norse codes of retts, nor the codes of the Christian princes, nor in any similar compilation. These codes were mere caricatures, not indeed of the Roman law, but of the Roman peculiarity of having any definite law at all. They acknowledged their own inferiority and vanished, the moment they were ushered into the presence of the majestic code of Rome. The common law to which we allude was never administered from any English bench, it was treasured up from the ancient Commonwealth of Rome, in the minds, in the spirit, of the Gothic people; it was not the result, but the origin of those medieval customs which aimed to preserve the liberties of the common people; it came not from hierarchical prescription, but from ancient memories, purified by the air of freedom, the spirit of the sea, the woods, the long march, and the clash of arms. That was the law which bade the Frankish soldiers to smash the vase of Clovis, and Harold, the English king, to offer the invader just six feet by two of the national soil. It was more than a law; it was a religion; the religion of the people.

Beside this passionate love of liberty, and beside its bases, a sense of manhood and the pluck to maintain it against any odds—attributes of the Gothic races as strongly marked to-day as at any period of history—there was no national law of England previous to the fourteenth century. The law of England was the law of Rome, and to admit this is what some jurisconsults indulge, what is now, a mere false pride in avoiding. Until the fourteenth century there were no acts of an English legislature; there was no such legislature. There were no general or national laws; there was no independent sovereignty. There were no mint-acts; the coinage was subject to the Empire. The written

law of England consisted of ten centuries of Roman jurisprudence, piled on top of a barbarian code of retts, which had become so attenuated that only the faintest traces of it remained. That such was also the case at the same period both in France and Spain is a fact that furnishes strong corroborative testimony to the soundness of this opinion. The development of that august legislature which can not only make and repeal laws, but also create and depose sovereigns, and establish or alter the religion of a country, evinces a similar course; it began in the reign of Henry, it was completed in that of Edward. The first assemblage of knights and burgesses, the beginning of the House of Commons, took place in 1258; but as yet it was only a Council or parliament; its assent first became essential to the enactment of law in 1308; it elected its first presiding officer in 1377; it first deposed a monarch in 1399.[6] The adoption of a distinctive national language belongs to the same æra. Although hybrid tongues, in which Gothic, Gælic, Roman, and Norman-French struggled for ascendency, had centuries before become the common speech of Britain, the language of literature, law, and religion, was still Roman.[7] In the reign of Henry III., this began to give way to Norman-French; in the reign of Edward III., it succumbed to English. The earliest instrument extant in this language is of the year 1343. It was not until 1362 (36 Edward III., c. 15,) that English was required to be used in law pleadings.[8]

In that distorted vision of the past, which, under the narcotic and bewildering influence of monkish history, has usurped an unmerited place in our beliefs, we are made to overlook, among other matters, the significant origin of the existing trade-guilds. The significance lies in the fact that they were all created about the thirteenth century. The creation of trade-guilds was eminently a sacerdotal function. Brahma, Numa, Julius Cæsar, and, after him, all the Sacred emperors, created such guilds. The creation of a trade-guild by a provincial or vassal prince, for example, the king of England, was a sign that he had emancipated or attempted to emancipate himself from Imperial control. In common with his assumption of other imperial prerogatives, it was a declaration of independence, and as such it possesses an importance which has not hitherto been recognized. It has been

[6] Coke; Hannay. In the celebrated case of the baron de Wahull, the crown lawyers denied his claim on the ground that there had been no summons to parliament. They might have gone further and denied that there had been any parliament at all, in the sense claimed.

[7] Until the reign of Edward III., it was a capital offense to read the Scriptures in the English language; indeed the Roman law on that subject was not formally repealed until the fifteenth century.

[8] "Seven Ages of England," p. 95.

asserted that the London city companies have outlived their usefulness. Be that as it may, they have not outlived their significance.

Another of the great political signs which mark the birth of the English monarchy was the assumption by the crown of entire control over the precious metals. This was accomplished by various steps, the assertion of mines-royal, treasure-trove, coinage of gold, demonetization of the imperial besant and other coins, ordinances concerning the movement of the metals, the suppression of episcopal and baronial mints, the trial of the pix, the regulation of the standard, and the doctrine of National Money. All these steps were accomplished at this period.

Control, over such supplies as mining and commerce afford of the material out of which money is to be made by the sovereign power is a necessary corrollary of the sovereign right to create money, and the two prerogatives will always be found hand in hand.[9] The doctrine of mines-royal holds that all mines producing such materials belong of necessity to the crown. Down to the fall of the Sacred empire the only material out of which the princes of Europe could lawfully create money was silver; [10] after that period such material or materials included gold. The earliest assertion of mines-royal, including gold as well as silver, by any Christian king, was made by Louis IX., of France. He was followed by Henry III., who in 1263 asserted for the first time in England a similar doctrine and prerogative. But Henry, though in this, as well as other respects, he frequently assumed an attitude of independent sovereignty, was easily bullied out of it by the effrontery and swagger of the pope; so that according to Matthew Paris, the independence of England was oft asserted and surrendered during his weak reign. The heroic example of Frederick II., in defying the impudent claims of the Vatican was thrown away upon this superstitious and faithless voluptuary, who saw his country again and again led captive to the foot of a foreign throne, rather than brave a single curse from the lips of a scheming pontiff. The prerogative of mines-royal was therefore practically abandoned until the period of the first issue of gold coins by Edward III., when, without any formality, it again came into force and has so remained with little change down to the present time.

We have seen the prerogative of treasure-trove adopted, held, and subsequently relinquished, by the pagan sovereign-pontiff, (Hadrian,)

[9] A proper adjustment of the rights of government to mines of the precious metals, both in England, France, Spain, and America, still awaits the dispassionate consideration of this great principle. On this subject, consult the author's "History of Money."

[10] With regard to copper, see elsewhere herein.

who equitably divided it between property and discovery, and we have seen his right to deal with it fall into the hands of the proconsuls and feudal kings and other lords who ruled in his name. What disposition they made of it does not appear in the chronicles of the medieval ages, but we need no chronicle to inform us. The chance discovery of a hidden treasure was not like the opening or working of a mine, a public and onerous enterprise, involving outlays of capital, the co-operation of numerous persons and the permission of the authorities. On the contrary, the finding of hidden treasure was of a secret and furtive character, and in the medieval ages troven treasure practically belonged to him who could keep it. The earliest public notice of the subject in England relates to the reign of Edward Confessor, who declared that all of the gold and one-half of all silver treasure-trove belonged of right to the king. It will be borne in mind that the England of this prince only embraced a portion of the present kingdom. We next hear of treasure-trove in the reign of Louis IX., of France, 1226-70, who declared "Fortune d'or est au Roi; fortune d'argent est au baron," thus claiming gold treasure-trove for the crown and relinquishing silver to the nobles.[11]

The coinage of gold, first timidly attempted by Henry, then boldly and resolutely begun by Edward, has been sufficiently treated in other parts of this work. It is only necessary to repeat here that it now forms and has always formed practically the most striking, notorious and unequivocal assertion which it is possible to make of sovereign authority and power; and that its entire relinquishment and avoidance by the western Christian princes until the Fall of Constantinople, is to be accounted for on no other sufficient grounds than that the Basileus was universally conceded to be in certain respects the lawful successor of Constantine and therefore, as to such matters, the lawful suzerain of the Empire to which they owed fealty. An intermediate step between the acts of Henry and Edward III., was taken by Edward I., who in 1291 or thereabouts, the date being uncertain, ordered that no foreign coins should be admitted into the kingdom, except such as might be in use by travellers and others for casual expenses, and as to these he provided public offices where they might be exchanged. This law evidently included and aimed at the besant, then the most important "foreign" coin in circulation, for with regard to other foreign coins, they appear to have been as numerous and as commonly employed in England after this enactment as before.[12]

The policy of regulating or attempting to regulate the import and

[11] Etablissements, livre I, chapter xv. [12] Jacob, "Hist. Prec. Met.," p. 204.

export movement of the precious metals, which we have seen from Cicero, Pliny and other authors, was pursued by the Roman state [13] both as it approached and after it had assumed the condition of an empire, was also first adopted by the king of England during the Plantagenet period. It is true that Mr. J. R. McCulloch was of opinion that this policy was pursued in England before the Norman conquest, but as he has offered no proofs to support it and the coinage and other legislation respecting gold contradicts it, the author is compelled, though with reluctance, to differ, in this instance, from that distinguished economist.[14] The same policy of regulating the movement of gold and silver, now erroneously known as the Mercantile System, was assumed by all the states that rose on the ruins of the Empire, but not until they had shaken off its claims to their allegiance. This sudden assumption of a regalian right implies a previous interval of over thirteen centuries, during which, save the Empire itself, there was no permanently independent sovereign state within the domain of christendom.

Analogous to this regalian right was that of purging the kingdom of episcopal and baronial mints, with the view to concentrate the prerogative of providing an unital Measure of Value for the whole kingdom and placing it in the hands of the sovereign. That right was evidently attempted to be exercised by means of the Monetary Commission of 1293, (22 Edward I.,) which was appointed to examine the various coins employed throughout the kingdom and report upon the same to the king.[15] Another assertion of regalian rights during this period was the Trial of the Pix, which is first specifically mentioned in the Exchequer-rolls, relating to the 9th or 10th Edward I., about 1280 or 1281.

The regulation of the standards of weight and fineness is necessarily connected with the prerogative of coinage. So long as the Sacred empire remained, the coinage prerogative of the Basileus—which the princes of christendom had never presumed to violate—acted as a continual check upon any desire or tendency on their part to adulterate or lower the coinage. Anybody could balance a quarter-besant against a silver penny, and so settle out of hand the question of weight. That of fineness, though not susceptible of so satisfactory a solution, was almost as readily determinable with the aid of the touchstone. By these means, the tendency of the vassal princes of the empire to

[13] At that period, for reasons which the readers of this work will understand, it was confined to gold. [14] J. R. McCulloch, "Polit. Econ.," p. 27.

[15] The text of the instructions to this commission is preserved in Madox's "History of the Exchequer," I, 293, note F.

adulterate their silver coinage, was effectually defeated. That such was their desire and tendency and that they often attempted to indulge it, has been abundantly proved; and to rid themselves of the serious restraints which the ancient prerogatives of the Basileus imposed upon their fiscal operations, they would probably have been glad to enlist in a dozen crusades instead of five. But whilst the Sacred and fainéant empire actually lasted—and this it did so long as the pope hesitated to destroy it—the Christian princes had to return sooner or later to the ratio of value and the standard of weight and fineness imposed upon them by its senile, but venerable authority. The moment the Empire fell, all restraint flew before the winds. The standards then and for the first time began to permanently vary; and they continued to vary until all sight of the originals was lost. Indeed nothing more curiously yet unerringly marks the emergence of the Christian princes from the position of vassals to that of independent monarchs, than the open, flagitious, and radical alteration, debasement, and degradation of the coinage, which began in all parts of Europe after the Fall of Constantinople, and which, unlike all previous alterations, parted entirely from the original Roman standards and never returned to them.

In all its aspects Money is the most certain indication of sovereignty, but in none of them so absolutely as in the practical and continued assertion of the principle that "that is money which the State declares to be money." We have seen this principle asserted by the ancient Commonwealth, preserved by Paulus and enshrined forever in the Digest. It was practically observed and employed by every sovereign of the Empire, but, until the downfall of the Empire, by no other prince of christendom. Then, like all the other prerogatives left by the defunct Basileus, this one was assumed by the princes who had shaken off his ancient but dishonoured claims of suzerainty, and we first hear of it in England during the reign of Edward III.[16]

If we turn from the prerogatives of the Basileus to those of the Pope, to mark the end as we have already marked the beginning and progress of those practical assertions of sovereignty which constitute the Birth of the Independent Monarchy of England, we shall find it in 1366, the fortieth year of the glorious reign of Edward III. In that year it was ordered that Peter's-pence should no more be gathered in England, or paid to Rome."[17]

[16] Plowden's Com., 316; Polydore Vergil; Parl. Rolls, 21 Edward III., fol. 60; and the Mixt Moneys Case in "State Trials," II, 114.

[17] Cooper's Chronicle, fol. 245; Stowe, 461; Fabian's Chron. relating to 40 Edw. III., in Nicholson's "Hist. Lit."; Statute 25 Henry VIII., c. 21 (1533); Ruding, II, 205.

One of the earliest assertions of sovereign power on the part of the king of England consisted in an attempt to deprive the empire or the pontificate of the revenues which it derived from fairs. The statute of 13 Edward I., 1285 § 16, says: "And the king commandeth and forbiddeth that from henceforth neither fairs nor markets shall be kept in church-yards."[18] In the statute pro moneta examinando, 22 Edward I., (Rot. 3 b.,) they are still called by their ancient name, "nundinis feriis," and may have been held on the ninth day. Notwithstanding the statute of Edward I., the pontificate seems to have held on to this prerogative of the Cæsars until the reign of Edward III., at which time the crown picked it up, to voluntarily relinquish it to the people in the following century; since which time the holding of fairs has been free.[19]

Here we rest our case.

It has been shown in the clearest manner that the lawful supremacy of the Sacred Empire is the guide to all modern history; that it was acknowledged in the Treaty of Seltz; that it was implied by the Forgery of the Decretals, proved by the coinage, confirmed by the acquiescence of all the Christian princes, corroborated by common belief, custom, and Holy Writ, and demonstrated by that sudden repudiation of vassalage and assertion of national independence on the part of the Christian states, which followed quick upon the dissolution of the Empire.

The monarch of this empire had once been an incarnated god, a king of kings, a supreme arbiter of the world. From a god he had fallen to the rank of a demi-god and from that to a Basileus, or sacred sovereign-pontiff. In the ninth century this monarch of falling powers was fain to concede the temporal government of the western provinces of his empire to Chrrlemagne and his successors. In conceding to Charlemagne the spiritual government of these same provinces, the Basileus had demanded and obtained certain reservations of authority, which, if not all of them essential to the government of a state, were nevertheless of sufficient importance to mark the rank of the Basileus. He reserved in his title of Sacred sovereign something of what it implied, including the right to be regarded as the spiritual head of the Roman church, the right to altar the calendar, to appoint festivals, to bestow the title of patrician, duke, exarch, and king, to coin the sacred metal gold, and to fix the relative value of gold and silver throughout all the domains of christendom, east or west.

[18] Statutes at Large, Vol. I.

[19] For income from Fairs, see Sinclair's ' Hist. of the Revenue."

Down to the Fall of Constantinople no legal change was made in any of these arrangements, and in most of them no change at all. What the rois fainéants had been to the maires du palais, what the mikado still remained to the shogun, so the Sacred sovereign remained to the princes of the west; a Reminiscence of the mythological past, a Legal Fiction, a Sacred shadow; but a reminiscence that never left the mind, a fiction that exercised rights which no one presumed to question, a shadow that long darkened the earth and that is not yet wholly obliterated.

But although these arrangements were not disturbed, the internal structure of the German empire between the ninth and thirteenth centuries underwent important modification. Barring his relations to the Eastern empire, the Treaty of Seltz had left Charlemagne an absolute sovereign. But upon his death the pope of Rome seized the spiritual empire, and to secure this, exerted all his power to keep the temporal one divided. Hence the wars of the Guelphs and Ghibelines.

Notwithstanding this divorcement of the spiritual and temporal empires, their united authority, whether wielded altogether by, or subject to, the "emperor" of Germany, or the pope of Rome, or divided between them, continued to be respected by the dukes or kings who now reigned over the various provinces of the distracted imperial state. Whatever the name of king now implies, it did not at that period practically mean an independent sovereign. The rulers of the Christian states, whether known as vicars, dukes, or kings, were all vassals of the Roman empire; nay doubly vassals. In respect of certain attributes of supreme authority, they were vassals to the Basileus; in respect of all others they were vassals to Rome. Whilst not one of Christian rulers ever ventured, in more than a furtive way, to violate the prerogatives of the Basileus; whilst, until towards the end, they did not dare to brave the power of either "emperor" or pope, the rulers of the pagan states, whether Norse, Moorish, or Arabian, violated and defied them all, and asserted in every conceivable manner their complete independence of Cæsar's empire, spiritual and temporal, past or present, shadowy or real.

In laying down these conclusions the author disclaims any intention to depreciate the elevating influences, or to doubt the sublime destiny, of Christianity. On the contrary, he has repeatedly declared his conviction that through its singular capacity to continually renew itself, Christianity is destined to always remain the paramount religion of the civilized world. At the same time he refuses to accept the monkish account of its origin, or of the part it has played in the history of Rome

and of the various states that have issued out of the Roman Empire. This account is plainly fabulous; it does not agree with the pagan histories; it does not agree with the bronze and marble monuments of antiquity; it does not agree with the inscriptions and insignia which the Romans stamped upon their coins; it does not agree with chronology; in short, it is at variance with every valid testimony which has been bequeathed to us by the past, it violates probability and insults common sense.

It results from what has gone before that the peculiarity of our civilization, the traits and tendencies which distinguish it from other civilizations, are due to the constituents of its composite origin; chiefly, to two great elements, Roman and Gothic. We inherit mind from one, body from the other. If the brawn, the muscle, the personal courage, the élan, push, spirit, dash, enterprise, of the western nations, belonged to the Franks, Hidalgos, Angles, Saxons and other Gothic races, their social institutes are by similar tokens the produce of Roman thought, of Roman experience, of Roman freedom, and of Roman law. The ancient Commonwealth of Rome no more existed in vain than did the Gothic tribes and the rude marks they inflicted upon the hierarchy. They both left an indelible imprint upon western civilization; and while sophistry would waste effort in searching for the origin of our institutes in faint graffiti of remote Judea, the deep carvings of republican Rome and barbarous Gotland can be recognized at a glance.

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CORRIGENDA.

P.	L.	
3	11	For *Messiah* read *Aug. Cæsar.*
7	10	For *Messiah* read *Aug. Cæsar.*
51	12	For *Augusine* read *Augustine.*
97	22	For *not* read *none.*
102	15	Strike out the word *not.*
136	27	For *festivals* read *festival.*
137	25	For *the* read *their.*
139	30	For *sodalitiis* read *sodalities.*
143	3	For *Adams* read *Adam.*
147	32	For *Adams* read *Adam.*
161	15	For *Selcucus* read *Seleucus.*
162	18	For *then* read *than.*
168	16	For *Norsemen* read *Norseman.*
175	19	For *plentitude* read *plenitude.*
197	9	For *undivisible* read *indivisible.*
224	18	After *bequests* insert *therefore.*
233	41	Strike out *for their most.*
261	29	After *Northumbria* insert *and.*
276	40	*Marcellinus* not *Mercellinus.*
294	39	The first part of Note 56 relates to Theodoret, the second to Henry III., and the last to America.
301	34	Before *neither* insert *could.*
306	10	For 8 read 12.
314	22	Before *tamper* insert *often.*

APPENDICES.

There are twenty-two Appendices to the present work, under the following titles:

A Feudalism other than Roman.
B Feudal Charters granted by Rome.
C Bishop Stubbs on Feudalism.
D Testament of Augustus Cæsar.
E Monastic Internments.
F Falsification of Books and Monuments.
G Origin of Antipathy to the Jews.
H The Roman Pontifex Maximus.
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J Ancient Images of the Madonna.
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L Astronomicon of Marcus Manilius.
M Chronological Æras and Cycles.
N Vassalian Acts of Henry III.
O Ancient Calendars.
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Q Chinese Theogony.
R Sun Worship of Elagabalus.
S The Ludi Sæculares.
T Chronology of Augustus.
U Chronology of Christianity.
V Chronology of Sylla.

These Appendices furnish corroborative proofs and illustrations of the views advanced in the text. As such additional proofs will hardly be required by the general reader, and as to print them in the present work would double its cost, it has been determined to publish them in a Supplementary volume, which can be obtained upon application to the CAMBRIDGE ENCYCLOPEDIA COMPANY, Post Office Box 2284, New York.

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